



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/1858

Re: Property at 17 Mill House, Grandholm Crescent, Aberdeen, AB22 8BB (“the Property”)

Parties:

Miss Elaine Duthie, 51-53 High Street, Turriff, AB53 4EJ (“the Applicant”)

Mr Kyle Brown, 3 Easterfield Court, Livingston, EH54 7BZ (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £1305.00 with interest thereon from the date of the decision until payment at the rate of 4% per annum.

Background

1. By application dated 22 April 2024 the Applicant applied to the Tribunal for an order for payment in respect of alleged rent arrears and other costs arising from the Respondent’s tenancy of the property. The Applicant submitted a copy of the tenancy agreement together with a check-in inventory, photographs of the property at the end of the tenancy, WhatsApp messages, an Excel spreadsheet and other documents in support of the application.
2. By Notice of Acceptance dated 15 May 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 27 August 2024.
4. A CMD was held by teleconference on 1 October 2024 when neither party attended or was represented. The CMD was adjourned to another date and the Tribunal issued directions to the Applicant.
5. By emails dated 8 and 14 October 2024 the Applicant responded to the Tribunal's directions and offered an explanation for her non-attendance at the CMD.

The Case Management Discussion

6. A further CMD was held by teleconference on 18 February 2025. The Applicant attended in person. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
7. The Tribunal noted that the Applicant had received payment of the Respondent's deposit of £950.00 from Safe Deposits Scotland. The Tribunal also noted that the Applicant was claiming £2255.00 in respect of rent and repairs to the property all as detailed in the documents submitted with the application. The Tribunal queried the Post Tribunal costs submitted by the Applicant who agreed that she had not incurred these costs amounting to £955.00. The Applicant asked the Tribunal to award interest on any sum awarded at the judicial rate of 8% in terms of Rule 41A of the Tribunal's rules of Procedure.

Findings in Fact

8. The Respondent owed rent and other charges amounting to £2255.00 following the end of the tenancy.
9. The Applicant recovered the Respondent's deposit of £950.00 from Safe Deposits Scotland.
10. The sum due by the Respondent to the Applicant following the end of the tenancy is £1305.00.

Reasons for Decision

11. The Tribunal was satisfied from the written representations and documents submitted by the Applicant together with the Applicant's oral submissions that the Applicant was entitled to an order for payment by the Respondent in the

sum of £1305.00. the Tribunal was satisfied that it was reasonable in the circumstances to award interest in terms of Rule 41 A of the Tribunals Rules of Procedure at the rate of 4% per annum from the date of the decision.

Decision

12. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £1305.00 with interest thereon from the date of the decision at the rate of 4% per annum.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Graham Harding

**Graham Harding
Legal Member/Chair**

**18 February 2025
Date**