



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017**

**Chamber Ref: FTS/HPC/CV/18/0900**

**Re: Property at 22 High Street, Newport on Tay, Dundee, DD6 8AD (“the Property”)**

**Parties:**

**Mrs Susan Pask, Mrs Susan Pask, The Tanks, Reservoir Road, Wormit, Fife, DD6 8PB (“the Applicant”)**

**Mrs Tracey Mill, 22 High Street, Newport on Tay, Dundee, DD6 8AD (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- This matter called for a Case Management Discussion in Dundee Carers Centre, Seagate House, 132-134 Seagate, Dundee on 9 July 2018.
- The Applicant was personally present. There was no appearance by the Respondent. The Applicant presented documentary evidence in the form of up to date bank statements which demonstrated to the Tribunal’s satisfaction that the Respondent had rent arrears of £3,250.00. The Tribunal noted that the Respondent had paid a deposit of £650.00. The Tribunal noted that the Applicant had applied to have that deposit returned to her on account of rent arrears alone as the Applicant was satisfied that the Property was not in need of any remedial repair works that might otherwise require a claim in respect of the deposit. The Tribunal therefore considered it just to deduct this sum from the amount to be awarded to the Applicant. The Applicant’s husband, Mr

James Pask was present and confirmed that he was content for the application to proceed in the sole name of the Applicant. This was necessary as the Tribunal noted that both Mr and Mrs Pask were joint landlords of the Property although the Application was proceeding in the sole name of the Applicant.

- The Tribunal considered in respect of Rule 29 that it was fair in the circumstances to allow the sum claimed to be varied in the circumstances and so awarded the Applicant £2,600.00.

### **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.**

Andrew McLaughlin

Legal Member/Chair

Date

9/7/18.