



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/19/3881**

**Re: Property at 4 Dormanside Court, Glasgow, G53 5YX (“the Property”)**

**Parties:**

**Mrs Kelly Linn, c/o Newall, 738 Linthaugh Road, Glasgow, G53 5TS (“the Applicant”) per her husband as her representative, Mr. Linn of the same address (the Applicant’s Representative”)**

**Mr Matthew Russell, 82C Main Street, Barrhead, G78 1SE (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of ONE THOUSAND THREE HUNDRED AND THIRTY TWO POUNDS (£1,332.00) be granted.**

1. By application received between 9 December 2019 and 27 December 2019 (“the Application”) the Applicant applied for an order in terms Rule 111 of the Rules for payment of sums amounting to £1,332.00 due under an assured tenancy under the Housing (Scotland) Act 1988. The Application comprised an application form, copy short assured tenancy between the Parties, a statement setting out in detail the sum claimed and photographs evidencing damage to the Property.
2. A legal member of the Tribunal with delegated powers to do so, accepted the Application in terms of Rule 9 of the Rules and a Case Management Discussion (“CMD”) was fixed for 14 February 2020 at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT. The CMD was intimated to the Parties.

## **CMD**

3. The CMD took place on 14 February 2020 at the said Glasgow Tribunal Centre. The Applicant was not present and was represented by the Applicant's Representative. The Respondent was not present and not was represented.
4. The Applicant's Representative confirmed that the sum of £1,332.00 remained due and owing.

## **Findings in Fact**

5. From the Application, the documentation lodged with the Tribunal and the CMD, the Tribunal found that there had been a short assured tenancy between the Parties, that damage to the Property and losses to the Applicant amount to £1,332.00 and that the Respondent is liable for the damage and losses. Accordingly, the Tribunal found that Respondent is due and owing the sum of £1,332.00 to the Applicant.
6. From the CMD, the Tribunal found that the sum due by the Respondent to the Applicant remains unpaid.

## **Decision and Reasons for Decision**

7. Having found that the Respondent is due and owing the sum of £1,332.00 to the Applicant, the Tribunal had regard to Rule 111 of the Rules, being the Rule under which the Application purports to be made, and noted that this Rule relates to private residential tenancies whereas the documentation which forms part of the Application relates to a short assured tenancy and so the Rule under which the Application is made ought to be Rule 70. The Tribunal then had regard to Rule 70 of the Rules which states:- "*Where a person makes [an] application to the First-tier Tribunal by virtue of section 16 (First-tier Tribunal's jurisdiction in relation regulated and assured tenancies etc.) of the 2014 Act, the application must (a)state (i)the name and address of the person;(ii)the name and address of any other party; and(iii)the reason for making the application;(b)be accompanied by (i)evidence to support the application; and (ii)a copy of any relevant document; and (c)be signed and dated by the person.* The Tribunal then had regard to the Application and was satisfied that it complied with Rule 70 of the Rules. Therefore, the Tribunal proceeded to make decision in terms of Rule 70 of the Rules.
8. Having found that the Respondent is due and owing the sum of £1,332.00 to the Applicant, and taking account of Rule 17 of the Rules which allows that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision, the Tribunal made an Order for Payment of £1,332.00.

## 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.

  
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Legal Member/Chair

*14 February 2020*  
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Date