



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/18/1028

Re: Property at 107 Bruce Road, Paisley, PA3 4SQ (“the Property”)

Parties:

Mrs Christine Bagnall, residing at 68 Lyoncross Road, Glasgow, G53 5UP (“the Applicant”)

Mr Darren Devers, currently residing at 58 Blackford Road, Paisley, PA2 7EP and Mr John Milligan, currently residing at c/o Flat 9/3, 145 Shawhill Road, Glasgow, G43 1SX (“the Respondents”)

Tribunal Member:

Karen Moore (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of £2,512.99 be granted against the Respondents in favour of the Applicant.

Background

1. The Applicant lodged an application for an order in relation to a short assured tenancy of the Property with the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) which application comprised application form dated 27 April 2018, a statement showing rent unpaid by the Respondents amounting to £800.00, a statement of damage caused by the Respondents together with photographic evidence of the said damage and supporting documentation in establishing the cost of remedying said damage totalling £1,709.00 (“the Application”), all as required by Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).
2. The Application was considered by a legal member of the Chamber with delegated powers of the President Chamber in terms of Rule 111 of the Rules

and thereafter referred to a tribunal of the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") for a Case Management Discussion ("CMD") in terms of Rule 17 of the Rules on 15 August 2018 at 14.00 at the Glasgow Tribunals Centre, Room 110, 20, York Street, Glasgow, G2 8GT.

The CMD

3. The CMD took place at 14.00 at the Glasgow Tribunals Centre, Room 110, 20, York Street, Glasgow, G2 8GT. The Applicant was present. Neither of the Respondents was present.
4. The Applicant explained to me that, in addition to the invoices submitted as part of the Application, she had losses of £112.99 for miscellaneous repair works required to remedy the damage caused by the Respondents and that a total of £2,512.99 remained due and owing to her by the Respondents.

Decision and Reasons for the Decision

5. I had regard to the Application and was satisfied that it met all necessary statutory requirements. I then had regard to the terms of Rule 17(4) of the Rules, the effect of which is that the tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.
6. I had regard to the content of the Application the submission made to me by the Applicant at the CMD. I found the Applicant to be truthful and found no reason to disbelieve that the Respondents are due and owing in rent amounting to £800.00 and, in all probability and in the absence of any evidence to the contrary, had caused damage amounting to £1,712.99.
7. I saw no reason to continue the matter to a hearing for disposal and so, in terms of Rule 17(4) of the Rules, I granted an order for payment of £2,512.99 by the Respondents to the Applicant.

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.

Karen Moore

Legal Member/Chair

Date

15 August 2018