



**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**

Chamber Ref: FTS/HPC/CV/22/2770

**Re: Property at 47 Lamont Crescent, Cumnock, Ayrshire, KA18 3DU (“the
Property”)**

Parties:

**Mrs Elaine Angelidis and Mr Anastasios Angelidis, both 43 Murrayfield,
Bishopbriggs, Glasgow G64 3DS (“the Applicant”)**

**Mr Steven Lightbody, sometime 97 Holmburn Road, Cumnock, Ayrshire, KA18
3EF, whose present whereabouts are unknown (“the Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the sum
of £1,120.10.**

Background

By application, dated 7 August 2022, the Applicant sought an Order for Payment in respect of unpaid rent and claims for recompense for damage caused by the Respondent. The total sum sought was £1,606, net of the tenancy deposit which had been made over to the Applicant by SafeDeposits Scotland.

The Applicant stated that the Respondent had been a tenant of the Property from 27 July 2018 to 6 June 2022. At the time of his departure, he had accumulated rent arrears of £1,031.04. The Applicant’s claim also included £100 for a junk uplift, £200 for wilful damage to the smoke alarms, £200 in respect of damage to a bedroom carpet and £500 for a replacement kitchen window. The Applicant, Mrs Angelidis, subsequently confirmed with vouching that the cost of the window replacement was £214.10 and reduced her claim to £1,320.10. She also advised that she had not as

yet replaced the bedroom carpet and that, if the Tribunal was of the view that this head of complaint could not be upheld, the amount sought would be reduced to £1,120.10.

The Applicant provided the Tribunal with copies of a Private Residential Tenancy Agreement between the Parties commencing on 27 July 2018 at a rent of £425 per month with a deposit of £425, a Rent Statement showing arrears as at 5 June 2022 of £1,031.04, an email of 3 December from the Applicant to the Respondent claiming £200.88 in respect of the replacement of smoke alarms, the units of which were missing and the cables of which had been snapped, and an Invoice for £720 for, amongst other things, replacing the kitchen window.

On 27 April 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion. Service on the Respondent was by advertisement on the Tribunal's website from 27 April 2023 to 1 June 2023, as his present whereabouts are unknown. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 1 June 2023. The Applicant, Mrs Angelidis, was present. The Respondent was not present or represented.

The Tribunal told the Applicant, and the Applicant accepted that, as the bedroom carpet had not been replaced, it could not uphold that portion of the claim.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the amount sought in the application, as amended to £1,120.10 had become lawfully due by the Respondent 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.

George Clark

Legal Member/Chair

1 June 2023
Date