



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/20/1583

Re: Property at 25 Redcraigs, Kirkcaldy, Fife, KY2 6TP (“the Property”)

Parties:

Ms Catherine Whittle, 15 West Vows Walk, Kirkcaldy, Fife, KY1 1RX (“the Applicant”)

Mrs Claire Collins, 24 Denfield Place, Kirkcaldy, Fife, KY1 2BG (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of TWO THOUSAND ONE HUNDRED AND THIRTY-NINE POUNDS AND THIRTY-ONE PENCE (£2,139.31) STERLING

- Background
- 1. An application dated 22 July 2020 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears and cleaning costs accrued under a short assured tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion took place on 10 November 2020. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 7 October 2020. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.
3. The Applicant moved for the order for payment to be granted as sought. The parties had entered into a Short Assured Tenancy Agreement. The Respondent had failed to make payment of the agreed monthly rent of £550 and had fallen into arrears amounting to £2689.31 at the date of termination of the tenancy. The Respondent moved out of the Property on 17 July 2020. The Respondent's deposit of £550 was repaid to the Applicant from the tenancy deposit scheme in which it had been held, and this payment was deducted from the overall arrears balance to leave a net balance due of £2139.31. A rent statement was produced setting out how the arrears had accrued.
4. The Applicant also moved for payment in the sum of £140 for costs incurred in clearing rubbish from the Property and in the sum of £50 for cleaning the Property, following the Respondent's removal. No invoices or vouching had been produced to evidence said claim. Said claim was accordingly refused by the Tribunal.

- Findings in Fact

5. The Tribunal made the following findings in fact:
 - (a) The parties entered into a Short Assured Tenancy Agreement ("the Agreement") which commenced 26 January 2014;
 - (b) In terms of the said Agreement, the Respondent was obliged to pay a monthly rent of £550 to the Applicant;
 - (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £2689.31 at the date of termination of the Agreement.
 - (d) Following repayment of the tenancy deposit of £550 to the Applicant, the net amount of £2139.31 was due to be paid by the Respondent to the Applicant.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to the sum of £2,139.31 in respect of unpaid rent as sought. The Respondent was obliged to make payment of rent in the sum of £550 per month under the terms of the Agreement and had failed to do so. She had accrued arrears amounting to £2139.31 and which fell lawfully due to be repaid to the Applicant. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of TWO THOUSAND ONE HUNDRED AND THIRTY-NINE POUNDS
AND THIRTY-ONE PENCE (£2,139.31) STERLING

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.

10 November 2020

Fiona Watson (Legal Member)