



**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/18/2365

Re: Property at 6/32 Wharton Square, Edinburgh, EH3 9FJ (“the Property”)

Parties:

Northern Housing Company Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)

**Mr Christopher McMahon, Ms Leigh Donaldson, 58/5 Dinmont Drive,
Edinburgh, EH16 5RR; 50/7 Manor Place, Edinburgh, EH3 7EH (“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 the application is dismissed against the first named Respondent, Mr Christopher McMahon and that an order is granted against the second-named Respondent, Ms Leigh Donaldson for payment of the undernoted sum to the Applicant(s):

**Sum of TWO THOUSAND FIVE HUNDRED POUNDS AND EIGHTY-SEVEN
PENCE (£2,500.87) STERLING**

- Background

An application was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and which was dated 3 September 2018. The application sought payment against the Respondents in the sum of Two Thousand Five Hundred Pounds and Eighty-Seven Pence (£2,500.87) Sterling.

- The Case Management Discussion

A Case Management Discussion took place on 9 November 2018. The Applicant was represented by Neil Mathieson, TC Young Solicitors. There was no appearance by or on behalf of the Respondents.

Service of the papers had not been effected on the first-named Respondent, Mr Christopher McMahon. The Sheriff Officer's report stated that at the time of their call they were advised that Mr McMahon had vacated the property a couple of months prior. Service had been effected successfully on the second-named Respondent, Leigh Donaldson by Sheriff Officer.

Mr Mathieson advised the Tribunal that he did not wish to proceed with the application against Mr McMahon in light of the failed service and was seeking the Order for Payment to be granted against Ms Leigh Donaldson alone. He confirmed that there had been no payment made by either of the Respondents and no contact from either since service of the papers.

- Findings in Fact

1. The second-named Respondent entered into a tenancy agreement with the Applicants which commenced 19 August 2015 and terminated in February 2018;
2. In terms of said tenancy agreement the second-named Respondent was jointly and severally liable for payment of rent in the sum of £644.63 per month;
3. At termination of the tenancy agreement, arrears of rent in the sum of £1909.04 were due by the second-named Respondent;
4. In terms of said tenancy agreement the second-named Respondent was jointly and severally liable for payment of any repairs required to the property due their failure to take reasonable care and carry out minor routine maintenance of the property;
5. At termination of the tenancy agreement, rechargeable repairs costs in the sum of £591.83 were due by the second-named Respondent;
6. The total sum due by the second-named Respondent at termination of the tenancy agreement was £2500.87.

- Reasons for Decision

The sum of £2500.87 falling due under and in terms of the tenancy agreement entered into between the parties, the second-named Respondent is jointly and severally liable for payment in that sum to the Applicant.

- Decision

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Sum of TWO THOUSAND FIVE HUNDRED POUNDS AND EIGHTY-SEVEN PENCE (£2,500.87) 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.

Ms Fiona Watson

Legal Member/Chair

Date

9/11/18