



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/1730**

**Re: Property at 1/9 Steel's Place, Edinburgh, EH10 4QR (“the Property”)**

**Parties:**

**Mr Callum Stephen, 24 Bellfield Crescent, Eddleston, EH45 8RQ (“the Applicant”)**

**Dr Booth Danesh, 3 Ledcameroch Road, Bearsden, G61 4AA (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant in the sum of Four Hundred and Ninety Four Pounds (£494.00) be made.**

- Background

The applicant applied to the tribunal for an order of four payment upon. The ending of his tenancy at 1/9 Steels Place, Edinburgh. The application was dated 15<sup>th</sup> April 2024. The application was accompanied by a variety of documents, which included the tenancy agreement, photographs of the damage to the shower, email correspondence between 21<sup>st</sup> February 2024 and 11<sup>th</sup> April 2024 and photographs of the bathroom after the showers removed.

The tribunal acknowledged receipt of the application on the 17<sup>th</sup> of April. 2024. Further information was sought from the applicant.

13<sup>th</sup> June 2024 the tribunal accepted for determination. The application.

The application was served on the respondent by sheriff officers on 20<sup>th</sup> September 2024.

Written representations were received from the respondent on 11<sup>th</sup> October 2024.

- The Case Management Discussion

At the case management discussion, which was held by teleconference both the respondent and the applicant attended. There was not any dispute about the facts in the case. The respondent acknowledged that there was a problem with the shower and that it became unusable. The respondent indicated that matters were left in the hands of his management company to deal with the issue but it appears that they failed to do so timeously.

The result of this was that the applicant had to go to a university gymnasium in order to shower or to use his parents' house. This was clearly unacceptable. The applicant sought 50% back of the rent paid which amounted to £600. The respondent acknowledged that something was due back. He indicated that the tenancy had continued for a period when no rent had been paid amounting to £106 pounds. The Applicant acknowledged this.

- Findings in Fact

The parties entered into a lease agreement for the respondent to rent to the applicant the property at 1/9 Steels Place, Edinburgh.

Rent was due to be paid at the rate of £800 per month.

The shower and the property became unusable for a period of approximately six weeks.

During this period of time the applicant was unable to shower within the property and required to use alternatives for showering.

- Reasons for Decision

There was no dispute between the parties as to the facts. The applicant rented a property in which there was no functioning shower for a period of. A period of six weeks. There was only one bathroom within the property. He was inconvenienced as a result. He sought the return of 50% of rent payable over that period namely £600. The applicant also accepted that there was a period of time when rent had not been charged and for which there could be a deduction of the sum of £104.

The respondent acknowledged that the Applicant had been inconvenienced. Much of his issues lay with the management company who were looking after the property. The amount sought by the applicant did not appear to be unreasonable. He had no washing facilities within the property by way of a shower for six weeks. This could be fairly stated as £600. Taking into account the unpaid rent that reduced the award made payable to the applicant to the sum of £4.

- Decision

To make an order for payment by the respondent to the applicant of the sum of £494.

### **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.**

# Mark Thorley

**Date: 24<sup>th</sup> October 2024**

**Legal Member**