

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/19/0234

**Re: Property at 14 Craigard Road, Callander, Stirlingshire, FK17 8DN ("the
Property")**

Parties:

Mr Ross Kerr, 64 Seeborn Mews, York, YO31 0SJ ("the Applicant")

**Mr Aaron Robinson, Ms Kerry Grimason, formerly residing at 14 Craigard
Road, Callander, FK17 8DN and whose current whereabouts are unknown ("the
Respondent(s)")**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondents)

**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 ONE THOUSAND FOUR HUNDRED AND SEVENTY POUNDS (£1470)
STERLING**

- Background
- 1. An application dated 17 January 2019 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 costs incurred in rectifying damage to the property let under a short assured tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion took place on 23 September 2019. The Applicant participated by way of conference call. There was no appearance by or on behalf of the Respondents. Sheriff Officer service of the application had been attempted on the Respondents but they no longer resided at the address given by the Applicant and their current whereabouts could not be established by further enquiries. The application had thereafter been intimated on the Respondents by website advertisement. The Tribunal was accordingly satisfied that service had been effected in terms of the Rules and that the CMD could proceed in the Respondents' 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. Upon termination of the tenancy, the Applicant discovered significant smoke damage within the property, resulting in a thick film of soot throughout. The Applicant incurred costs of a specialist report in relation to the damage of £144, redecoration costs of £1470 and loss of rent whilst repairs were carried out of £431. The Applicant recovered the deposit in full via the tenancy deposit scheme, which amounted to £575.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement ("the Agreement") which commenced 1 November 2017;
- (b) In terms of Clause 7(a) of the Agreement, the Respondents were liable for costs of repairing damage to the property;
- (c) In terms of Clause 7(a) of the Agreement, the Respondents were liable for cleaning costs required in the Property;
- (d) In terms of Clause 10 of the Agreement, the Respondents accepted the interior decoration of the property as being in good order and condition and were under an obligation to leave it in a like condition;
- (e) At the termination of the tenancy, the property required redecoration and repair due to soot damage throughout;
- (f) The Applicant incurred costs amounting to £2045 due to the Respondents' failure to adhere to the terms of the tenancy agreement.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to keep the property in good order and condition, and were liable for costs of repair of damage caused during the tenancy. At the termination of the tenancy, the Applicant incurred costs associated with repairing damage and redecorating the property due to the Respondents' use of the property.

Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

6. 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 ONE THOUSAND FOUR HUNDRED AND SEVENTY POUNDS
(£1470) 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.

F Watson

Legal Member/Chair

23/9/19

Date