

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 14 of the Housing (Scotland) Act 2014 and Rule 70 of the Tribunal Rules of Procedure

Chamber Ref: FTS/HPC/CV/19/0581

Re: Property at 1/2, 3 Rowan Street, Paisley, PA2 6RG ("the Property")

Parties:

Mrs Molra Lang, 34 Riccarton Avenue, Paisley, PA2 6BG ("the Applicant")

Mr Lorne Munro, Address Unknown, Address Unknown ("the Respondent")

Tribunal Members:

Andrew Cowan (Legal Member) and Elizabeth Currie (Ordinary Member)

Background and Reasons for Decision (In absence of the Respondent)

The Tribunal considered an application dated 20th February 2019 in which the Applicant originally sought an order for payment by the Respondent in the sum of £1043.24.

By email dated 13 August 2019 the Applicant sought to amend the sum sued for to £1590.97. The Tribunal considered the Applicant's request as an application to amend in terms of Rule 13 of the Tribunal rules. The request was made at least 14 days before the final Tribunal hearing in relation to the application. The Tribunal allowed the request and accepted that the sum now sought by the Applicant should be taken as £1590.97.

The current whereabouts of the Respondent are unknown. Service of the Application (as amended) have been served by advertisement in accordance with rule 6A of the Tribunal rules.

A Tribunal hearing was held on 1st October 2019. The Applicant attended the hearing and was represented at the hearing by her husband, Mr David Lang.

The Respondent did not attend the hearing and was not represented.

At the hearing the Tribunal invited the Applicant to confirm the nature and extent of each part of the financial claim, whilst referencing appropriate vouchers and photographs.

In advance of the hearing (and in compliance with a previous Direction of the Tribunal) the Applicant had lodged a spreadsheet of rent arrears and other costs for which she maintains the Respondent (as a former tenant) is liable.

Having heard from the Applicant and her representative the Tribunal found that:

- 1. The Respondent is due the sum of £753.24 to the Applicant in respect of arrears of rent which the Tenant accrued during the period of his lease of the property at 1/2, 3 Rowan Street, Paisley.**
- 2. The Respondent is due an additional sum of £293.41 to the Applicant in respect of the cost of repairs, clearance and cleaning at the subjects of Let (these being further specified as items 1-7 and 14 of the spreadsheet of costs which the Applicant had submitted to the Tribunal by email dated 13th August 2019).**
- 3. The Tribunal did not accept that other costs claimed by the Applicant (being further specified as items 8-13 of the spreadsheet of costs which the Applicant had submitted to the Tribunal) were properly due by the Respondent as costs arising from the Tenancy.**

Decision

The Tribunal granted an order for payment by the Respondent in the total sum of £1046.65

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.

A. Cowan

Legal Member/Chair

1/10/19.

Date