

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/19/1013

Re: Property at 13 Dalrymple Drive, Irvine, KA12 0PE (“the Property”)

Parties:

Mr John Robb, 165a Main Street, Dreghorn, KA11 4AF (“the Applicant”)

Miss Jody Horan, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision in absence of the Respondent.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the amount of £1452.77 should be made.

Background

The Applicant’s agent lodged an application on 1st April 2019 seeking a payment order in the amount of £1452.77 in respect of damage done to the fittings at the property in the amount of £1212.36 and rent arrears of £240.41.

In the Application it was explained that the deposit of £450 had been returned to the applicant by Safe Deposits Scotland, and had been applied to the rent arrears.

Lodged with the Application were:

1. Copy Tenancy Agreement
2. Copy Rent Statement
3. Safe Deposits Scotland Certificate
4. Check In Report

5. Check Out Report
6. Invoice from Holland Carpets in the amount of £760
7. Invoice from CL Fabrications in the amount of £95
8. Invoice from Howdens Joinery in the amount of £357.36

The Applicant did not have a forwarding address for the Respondent and the case was served by way of advertisement on the Tribunal's website.

Case Management Discussion

The Applicant was represented by Rachel Wylie of Stewart Residential Lettings. The Respondent was not present nor was she represented.

Miss Wylie presented the application. She confirmed that the Check In Report was signed by the Respondent when she took entry. Miss Wylie made reference to the Check Out Report which showed that one of the carpets was smelly and torn, and one needed replaced. The hob was damaged beyond repair and unclean able. The door was not mentioned on the Check Out Report, but it did have a hole in it and needed to be replaced. There were other items on the Check Out Report, including decoration, which the Applicant was not claiming for. The Invoices showed the work that had been done, and the cost.

Miss Wylie referred to the Rent Statement. She pointed out where the £450 deposit had been applied to the arrears, and noted that the outstanding balance was £240.41.

Findings In Fact

1. The parties entered in to a Tenancy Agreement for the property;
2. The rent was £450 per month;
3. The Respondent signed the Check In Report at entry
4. The Applicant had to spend £1212.36 as evidenced by receipts numbers 6,7,and 8 referred to above;
5. The Respondent is in rent arrears to the extent of £240.41;
6. The Application has been served by way of Advertisement on the Tribunal's website.

Reasons For Decision

The Applicant has established that the sum sought is justified.

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.

Alison Kelly

Legal Member/Chair

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Date

8/7/19