

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 (Act)

Chamber Ref: FTS/HPC/CV/19/1074

Re: Property at 14/3 Brandon Street, Edinburgh, EH3 5DX (“the Property”)

Parties:

Mr Ivan Artolli, c/o DJ Alexander lettings Limited, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)

Mr Alan Mills, Mrs Rebecca Mills, 17 Saxe Coburg Street, Edinburgh, EH3 5BW (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay the sum of £435 to the Applicant.

Background

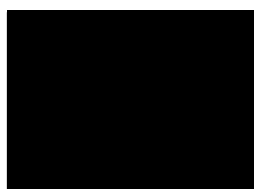
This is an application for payment in respect of alleged rent arrears and repairs following upon termination of a short assured tenancy (**SAT**) in respect of the Property. The application is made under section 16 of the Act and Rule 70 of the Tribunal Rules.

The Tribunal had regard to the following documents:

1. Application received 8 April 2019;
2. SAT dated 3 May 2016;
3. Invoices;
4. Statement of Account dated 4 May 2017;
5. Assessor Report dated 20 March 2017.

Case Management Discussion (CMD)

The case had previously called on 1 July 2019 for a CMD at which time it was continued for some further information and for service on Mrs Mills.



Mr Mills attended and represented himself. He informed the Tribunal that Mrs Mills was not going to attend.

The Applicant was not present but was represented by Ms Cartwright.

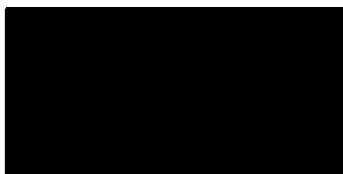
The Tribunal clarified with Mr Mills that he accepted the rent due at the end of the SAT was £513.55; he accepted that those items of expenditure vouched were also due, namely Cleaning (£300), Window Cleaning (£66), Carpet Cleaning (£56). He accepted that the £500 deposit was to be utilised towards the rent arrears and repairs. He disputed the remaining repair costs claimed.

The Tribunal ascertained that apart from the cost of replacement locks and keys (£123.18) and damage to kitchen door (£141.60) the remaining costs were estimates and had not been incurred, the Property had now been relet. The landlord had affected the repairs to the kitchen door but did not have any evidence of this.

In the circumstances the Tribunal was of the view that it had sufficient information upon which to make a decision and that it was fair to do so. The Tribunal found that the Respondent was due £513.55 in respect of rent arrears, £300 in respect of cleaning, £66 in respect of window cleaning; £56 in respect of carpet cleaning. The Total due was £935.55 from which was to be deducted the deposit of £500. The Tribunal accordingly make and order for payment in the sum of £435.55.

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.



Legal Member/Chair

17 August 2019

Date