



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/CV/19/1160

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

Chamber Ref: FTS/HPC/PR/19/0472

**Re: Property at Flat 2/1, 38 Aberdour Street, Glasgow, Lanarkshire, G31 3NJ
 (“the Property”)**

The Parties:

**Miss Amelie Coulard, 38 Guthrie Court, Auchterarder, Perthshire, PH31 1SD
 (“the Applicant”)**

**Mr Adam Piaskowski, Brohusgade 2A, 2 16, 900 Aalborg, Denmark
 (“the Respondent”)**

Tribunal Member:

Susanne L. M. Tanner Q.C. (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that an order for payment should be made requiring the Respondent to pay to the Applicant the sum of THREE HUNDRED AND SEVENTY POUNDS (£375.00) STERLING

1. Procedural background

- 1.1. On 16 April 2019, the Applicant made an application (“the Application”) to the tribunal.
- 1.2. The following documents were attached to the Application:
 - 1.2.1. A copy of a Tenancy Agreement dated 18 January 2018 between the Applicant and the Respondent in respect of a tenancy of the Property;
 - 1.2.2. A copy of a Tenancy Agreement (undated) between the Applicant and the respondent and another (Alexandre Poyet);
 - 1.2.3. Copy text message correspondence between the Applicant and “Landlord”.
 - 1.2.4. Photographs.
- 1.3. Further information was requested by the tribunal and supplied by the Applicant.
- 1.4. The Application was accepted for determination by the tribunal and conjoined with the ongoing application PR/19/0472.
- 1.5. By letter of 10 May 2019, the tribunal notified the parties that the Application had been referred to the tribunal and that a Case Management Discussion had been fixed for 13 June 2019 at 1400h at Glasgow Tribunals Centre, 20 York Street, Glasgow. Parties were advised that the tribunal may do anything at a Case Management Discussion which it may do at a hearing, including making a decision on the application. Parties were advised that if they do not attend the Case Management Discussion, this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was invited to submit any written representations he wished by 10 May 2019.
- 1.6. Service on the Respondent of the Application documentation and notice of the CMD was successful.
- 1.7. The Respondent submitted written representations and also requested to participate in the CMD on 13 June 2019 by Case conference call. The request was accepted.

1. CMD – 13 June 2019 at 1400h at Glasgow Tribunals Centre, 20 York Street, Glasgow (Respondent by Conference Call)

- 1.1. The Applicant attended the CMD with her boyfriend, Alexandre Poyet, as her Supporter.

- 1.2. The Respondent attended by Case Conference Call with his girlfriend, Laima Lietinyte, as a supporter.
- 1.3. The CMD followed the CMD in PR/19/0472 so some of the issues regarding the deposit had been discussed. Reference is made to the decision in that case.
- 1.4. The Applicant stated that she was seeking return of her whole deposit of £750.
- 1.5. The Respondent stated that he wants to retain certain sums from the deposit.
- 1.6. The Respondent outlined all of the proposed reasons for deductions and the amount of each deduction.
- 1.7. The Applicant responded by stating that all but three proposed deductions amounting to £98.00 were disputed. The Applicant amended the sum claimed to £652.00 to take account of the admitted items and the amounts claimed.
- 1.8. The Respondent asked whether the Applicant had proposals for the resolution as he was of the view that it was not worth involving so many people at another hearing. The Applicant agreed that she would like to negotiate. As a fallback the Respondent proposed that he lodge the money in the deposit scheme now so that they could use the scheme to upload material and resolve the matter.
- 1.9. The Applicant stated that she agreed that the Respondent could retain £300 for everything and she would accept the amended sum of £450.00 for the claim.
- 1.10. The Respondent countered by suggesting that he retain £375.00 and that £375.00 would be paid to the tenants. The Applicant accepted that proposal and amended the amount claimed in the Application.

2. Discussion

- 2.1. The tribunal took account of the parties' agreement.
- 2.2. The tribunal decided to make an order for the agreed amount of £375.00.

- 2.3. The Respondent stated that he hoped that both parties were content with the outcome and that he was sorry that the situation had arisen as a result of his inexperience.
- 2.4. The Respondent asked the Applicant to submit bank account details and she agreed to do so.
- 2.5. The tribunal chair informed the parties that the Payment order could be enforced by the Applicants against the Respondent after the expiry of the permission to appeal period.

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.

Susanne L M Tanner

13 June 2019

Susanne L M Tanner Q.C.
Legal Member/Chair