



**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/19/2879

Re: Property at 208 Springfield Road, Linlithgow, EH49 7LF (“the Property”)

Parties:

Homeselect Finance (No. 3) Limited, Po Bx 61, Le Gallais Chambers, 54 Bath Street, St Helier, Jersey (“the Applicant”)

Miss Susan Collins, Mr Robert Moss, 37 Elderslea Road, Carlisle, Lanarkshire, ML8 4LH (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent be ordered to pay the Applicant the sum of £2,386.32.

Background

This is an application for payment in respect of alleged rent arrears and cost of repairs to the Property. The application is made under Rule 70 of the Tribunal Procedure Rules and section 16 of the Act.

The Tribunal had regard to the following documents:

1. Application received 13 September 2019;
2. Short Assured Tenancy Agreement (**SAT**) commencing 9 October 2017;
3. Schedule of Rent Arrears as at SAT end date (31 October 2018);
4. Invoice dated 22 March 2019 from BGC in respect of repairs;
5. Invoice from TC Young dated 30 May 2019 in respect of trace and Sheriff Officer costs;

6. Sheriff Officer Certificate of Service of CMD Notification dated 22 October 2019.

Case Management Discussion (CMD)

The case called for a CMD on 21 November 2019. The Applicant did not appear but was represented. The Respondents did not appear and were not represented.

The Tribunal were satisfied that the Respondents had been served with notification of the CMD under reference to the Sheriff Officer's certificate of service. The respondents were aware that the Tribunal could proceed in their absence and determine the matter if satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal considered the papers and made the following findings in fact:

1. The Parties entered in to an SAT commencing 9 October 2017;
2. The monthly rent was £675;
3. As at the end of the SAT the Respondents were in rent arrears of £702.12;
4. Repairs and refurbishment works were necessary at the conclusion of the SAT in the sum of £3,492. The Applicants seek £1,609.20 from the Respondents in respect of these costs as detailed:
 - a. The Applicants required to clean the Property at a cost of £450 and seek £225 from the Respondents in respect of these costs;
 - b. The Applicants incurred costs of £372 to clean the carpets. They seek £186 from the Respondents for this;
 - c. The Applicants required to instruct contractors to repair a scratch on the kitchen worktop at a cost of £180;
 - d. The Applicants had to replace and refit a missing curtain pole at a cost of £120;
 - e. The Applicants require to instruct contractors to repair a cracked window in the sum of £300;
 - f. The Applicants required to instruct contractors to remove stickers from the interior of the Property in the sum of £42;
 - g. The Applicants had to instruct contractors to paint the walls in the Property and touch up wallpaper where necessary at a total cost of £594. The Applicant seeks the sum of £178.20 from the Respondents in respect of these costs;
 - h. The Applicants required to instruct contractors to remove bags and leftover property of the Respondents from the Property at a cost of £378;
5. The Applicants incurred the cost of £75 in respect of tracing the Respondents.

The Tribunal considered the terms of the SAT and found:

- (i) The Respondents were due the sum of £702.12 in respect of rent arrears;
- (ii) The Respondents were due the sum of £1,609.20 in respect of repairs and refurbishment works;
- (iii) The Respondents were due the sum of £75 in respect of tracing costs.

The Tribunal were satisfied that the tracing costs were covered by Clause 6.38 of the SAT.

The Tribunal granted an order for payment against the Respondents in the sum of £2,386.32.

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.

Alan Strain

Legal Member/Chair

21 November 2019

Date