



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/19/3995

Re: Property at 5E Henderson Street, Paisley PA1 2SJ (“the Property”)

Parties:

Ecosse Estates Ltd, Office 2 Room 8 Kirkhill House, 81 Broom Road East, Newton Mearns, G77 5LL (**“the Applicant”**)

Hannah MacKay residing at 9 Dunlop Street, Linwood, Paisley PA3 3AL (**“the First Respondent”**)

Dean Henderson residing at 9 Dunlop Street, Linwood, Paisley PA3 3AL (**“the Second Respondent”**)

Tribunal Members:

Paul Doyle (Legal Member)

Decision

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

Background

The Applicant sought an order for payment totalling £1,744.00, made up of rental arrears totalling £844 and the cost of repairing damage to the property caused by the applicants in the sum of £900. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement a rental agreement and receipts for remedial works. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 10.00am on 4 February 2020 at the Glasgow Tribunals Centre, 20 York street, Glasgow G2 8GT. The Applicant was represented by James McMillan. Both Respondents were present and were unrepresented.

Findings in Fact

The following facts are admitted:

1. The Applicant and the Respondents entered into a Tenancy Agreement for the Property on 28 December 2017. The respondents vacated the property on 7 September 2018.
2. The respondents allowed the payments of rent to fall into arrears. When they vacated the property, they owed the applicant £844.00 in arrears of rental. The applicants caused some damage to the fittings and fixtures within the property. When the applicants left the property, redecoration was required. The applicants are responsible for the redecoration of the property at the termination of their tenancy.
3. The cost of repairs and replacement to the internal doors was £450. £300.00 of that sum is the measure of the damage to the internal fittings and fixtures caused by the respondents. The cost of internal redecoration (for which the respondents are responsible) is £600. The total cost of remedial works for which the respondents are responsible is £900.
4. The total sum due by the respondents to the applicant is £1,744.00, which is the sum applied for.
5. Both respondents admit that they (jointly) owe the applicant £1,744.00. The first respondent initially offered to pay that sum by instalments of £10.00 per week. Today, she amends that offer to instalments of £20 per calendar month. The second respondent initially offered to pay that sum by instalments of £20.00 per week. His circumstances have changed, and he now offers to pay by instalments of £30.00 per calendar month.
6. On 30 January 2020 the applicant accepted the respondents offers to pay the sum due by instalments, and so consents to time to pay directions. On behalf of the applicant, Mr McMillan accepted the amended offers to pay by instalments.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £1,744.00. The respondents both admit that they owe that sum to the applicant. The applicant consents to the applications made by the respondents for time to pay directions.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment and made separate time to pay directions.

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 

Date

4 February 2020