



**Decision of a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules')**

**Chamber Ref: FTS/HPC/CV/19/1264**

**10/2 Laichpark Loan, Edinburgh EH14 1UH  
(‘the Property’)**

**PARTIES:**

**Mrs Jennie Christie**, c/o Vanilla Property Management, 149 North High Street, Musselburgh EH21 6AN

**(‘the Applicant’)**

Represented by Mr Graeme Fairgrieve, Vanilla Property Management, 149 North High Street, Musselburgh EH21 6AN

**Mr Christopher Burgess**, present whereabouts unknown [Service by Advertisement]

**(‘the Respondent’)**

**TRIBUNAL:**

**Joseph C Hughes (Legal Member)** [sitting alone]

**Andy Dick (Clerk of Tribunal)**

**DECISION** [In absence of the Respondent]

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined that the Respondent is liable to make payment to the Applicant in the sum of ONE THOUSAND EIGHT HUNDRED AND EIGHTY POUNDS (£1880) STERLING.



## BACKGROUND

1. This is an Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules').  
The Applicant is seeking an Order for Payment of unpaid rent and costs under the tenancy agreement between the parties.

The Application was accompanied by a copy of the written tenancy agreement with various supporting documents including rent arrears statement, checkout report, checkout photos, Inventory and contractors invoices.

The Applicant is the Landlord of the Property. The Respondent was the Tenant of the property.

The Legal Member has no conflict of interest in respect of this case.

## THE HEARING

2. The Applicant was represented by Mr Graeme Fairgrieve. Neither the Respondent nor a representative attended. The whereabouts of the Respondent is unknown. Mr Fairgrieve stated that he had received a phone call from Edinburgh City Council advising that the Respondent was claiming to be homeless. The application was served by advertisement on the Tribunal's website in accordance with the Rules. A copy of the Certificate of Service by Advertisement dated 23<sup>rd</sup> July 2019 was made available to Mr Fairgrieve today.
3. I am therefore satisfied that the Respondent has had notice of both the application and the CMD.
4. The case called today as a Case Management Discussion ('CMD'). The Respondent has submitted no representations in respect of the case.
5. The Tribunal is satisfied that parties have been notified of the CMD. Parties have been advised that the Tribunal could determine the matter at the CMD if satisfied that it had sufficient information and it was fair to do so.
6. The Tribunal is invited to grant an Order for payment sought in the application. It was the Applicant's position that the Respondent had been their tenant under a Private Residential Tenancy and, as a consequence, owed certain contractual and other duties to take reasonable care of the let property. Effectively the Applicant's position is that the Respondent breached those duties, by causing damage to the property.
7. The Tribunal was invited to consider the following rent arrears and costs:
  - (i) Rent arrears - £1150

- (ii) Cleaning - £350
  - (iii) Decoration - £380
  - (iv) Damages/Repairs - £70.44
- This totals £1950.44.

Receipts were provided for items (i) to (iii). No receipt/invoice was lodged for (iv). The Tribunal is only able to consider an Order for items (i) to (iii). The reduced amount is therefore £1880. Mr Fairgrieve accepted the amended figure.

#### Findings in Fact:

8. (a) The Respondent was the tenant of the Applicant under, and in terms of, a Private Residential Tenancy Agreement dated 7<sup>th</sup> June 2018;
- (b) The let property was 10/2 Laichpark Loan, Edinburgh EH14 1UH;
- (c) The monthly rent was £750 per calendar month;
- (d) The net arrears of unpaid within the application is £1150;
- (e) The cost of cleaning is £350;
- (f) The cost of decoration is £380;
- (g) The amounts sought in (d), (e) and (f) are reasonable and have been fully vouched for by the Applicant;
- (h) The Applicant is entitled to the rent arrears and reparation from the Respondent in respect of reasonable costs incurred at (e) and (f);
- (i) The amended (and agreed) sum sought, £1880, is a reasonable estimate of the Applicant's rent arrears and costs.

#### DECISION

9. The Application is granted. I find the Respondent responsible to the Applicant for the sum of £1880.

#### 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.

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**'Joseph C Hughes'**  
Legal Member HPC

23<sup>rd</sup> July 2019