



**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**

**Chamber Ref: FTS/HPC/CV/18/2190**

**Re: Property at 22 Ritchie Place, Perth, PH1 2QZ (“the Property”)**

**Parties:**

**Mr Iain Crole, 2 Ross Grove, Perth, PH1 1GX (“the Applicant”)**

**Miss Donna Freeman, 254 Strathtay Road, Perth, PH1 2JZ (“the Respondent”)**

**Tribunal Members:**

**Rory Cowan (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of ONE THOUSAND SIX HUNDRED AND SEVENTY POUNDS AND NINETY FIVE PENCE (£1,670.95) in favour of the Applicant should be granted.**

- **Background**

The Applicant made an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the Rules). The Applicant sought the total of £1,870.95.

A Case Management Hearing was fixed and heard on 28 October 2018 and was continued until 27 November 2018 to allow the Applicant to produce further documents, namely a rent schedule to detail the arrears and a copy of the lease between the parties. A Note of Direction under the Rules was issued to that effect.

The Applicant responded to that Direction and provided the further information as required by email of 30 October 2018. The additional documentation was sent to the Respondent on 31 October 2018 and 7 November 2018.

- **The Case Management Discussion**

Both the Applicant and the Respondent were in attendance. The Respondent acknowledged that she had received the additional documents. In relation to the rent schedule, she accepted that it was accurate and that she owed rent arrears totalling £1,670.95 as detailed in the schedule.

In relation to the balance of the claim, the Applicant indicated that he had incurred £78 worth of cleaning following the end of the tenancy. An invoice dated 24 April 2018 was produced from Wishy Washy Cleaning Services by way of vouching for same.

He claimed the balance of £122 was incurred in relation to removal of items and tidying up of the garden including the washing down of "dog mess".

The Respondent disputed that any cleaning was necessary or that any further costs claimed by the Applicant were reasonable. She claimed that the items left in the garden shed belonged to the Applicant (except a lawn mower) and were there at the start of the tenancy. She also disputed that there was "dog mess" in the garden.

The Applicant thereafter indicated that he was not insisting on this additional £200 and that he was content to confine any Payment Order to the level of the outstanding rent arrears.

The Respondent confirmed she accepted the rent arrears and that a Payment Order could pass in that sum.

- **Findings in Fact**

- 1) That the Applicant and Respondent entered into a lease for the Property.
- 2) That the lease commenced on 1 August 2009.
- 3) That the rent payable under that lease was £650 per calendar month.
- 4) That the lease ended on 8 February 2018.
- 5) That as at 8 February 2018 the Respondent was in arrears of rent in the sum of £1,670.95.

- **Reasons for Decision**

Following production of the further documents required under the direction the Respondent accepted that the rent arrears were £1,670.95 and as claimed by the Applicant. The Applicant indicated that, as the additional £200 was in dispute, he would not insist on that element. As such, the parties were in agreement that a Payment Order in the sum of £1670.95 should be issued.

- Decision

To grant a Payment Order in the sum of £1670.95 in favour of the Applicant.

### 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.

# Rory Cowan

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Legal Member/Chair

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Date 27<sup>th</sup> November 2018 \_\_\_\_\_