



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/18/2812

Re: Property at 2/02, 30 Highholm Street, Port Glasgow, PA14 5HL (“the Property”)

Parties:

Chesnutt Skeoch Ltd, 30 East Main Street, Darvel, KA17 0HP (“the Applicant”)

Ms Susan Willson, 19A John Street, Greenock, PA15 4SB (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of one thousand six hundred and one pounds and five pence (£1601.05).

This was a case management discussion ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act 2014 in respect of rent arrears and damage to the property at 2/02 30 Highholm Street Port Glasgow G2 8GT.

The application was made on the 19 October 2018 by Mr Kenneth Johnston of Chesnutt Sketch Ltd. The tribunal had before it the following documents:

1. Application dated 19 October 2018 and received by the Tribunal on that date.
2. Lease from 28 August 2017 until 27 August 2018.
3. AT5.
4. Photos of the property.
5. Receipts.

6. Rent statement.
7. Letter from applicant's solicitor dated 20 June 2002 regarding purchase of the property.

The applicant's representative Mr Kenneth Johnston attended the hearing. The respondent did not attend and was not represented. The tribunal had sight of the sheriff officer's execution of service dated 29 November 2018 which confirmed that the papers were served on the respondent on 28 November 2018. The tribunal was satisfied that the respondent had received appropriate notice in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29.

Mr Johnstone advised the tribunal that he unaware when the respondent left the property. In terms of the tenancy agreement, rent is payable until the 28 August 2018 and thereafter two months written notice is required. He did not receive notice and is therefore seeking two months' rent in addition to the month leading up to 27 August 2018 which was unpaid. A further sum of £150 was outstanding on the rent account.

In addition he is seeking £551.05 in respect of redecoration cleaning and repairs which were required to be carried out. He made reference to the receipts lodged and the photographs.

Mr Johnstone explained that the respondent left belongings in the property such as a broken bed and mattress, which were required to be removed and the cost for this is reflected in the cleaning invoice for £145. There was damage to the kitchen and the sum of £65 was incurred to make good the damage. He also made reference to damage to decoration caused partly by candle wax and the sum of £171.05 was incurred. He made reference to the rent statement lodged which gives full details of how the sum of £1601.05 is arrived at and which ties in with the various invoices and receipts lodged.

Reasons

The tribunal was satisfied that the respondent had received notification of the hearing and that there was sufficient information before the tribunal today to make a decision. The tribunal was satisfied that the procedure had been fair. The tribunal is satisfied that there are rent arrears for the property and costs have been incurred as referred to above. Accordingly the tribunal granted an order for payment of the sum of £1601.05.

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.

Ms Lesley A Ward

21 December 2018

Lesley A Ward Legal Member

Date