

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**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/18/2845**

**Re: Property at 1 Faraclett, Kirkwall, Orkney, KW15 1XD (“the Property”)**

**Parties:**

**Mr Calvin Cooper, Mr Stuart Mackay, 22 East Road, Kirkwall, Orkney, KW15 1HZ; 22 East Road, Kirkwall, Orkney, KW15 1HZ (“the Applicant”)**

**Miss Lacey Sharpe, 5 MacDonald Park, St Margarets Hope, Orkney, KW17 2AL (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay to the Applicant the sum of £4,159.00.**

**Background**

This is an application for payment in respect of rent arrears, loss of rental income and cost of rectification works arising from an assured tenancy in terms of section 16 of the Act and Rule 70.

The Tribunal had regard to the following documents:

1. Application received 22 October 2018;
2. Tenancy Agreement dated 25 March 2016;
3. Notice to Quit, Section 33, AT6 and certificate of service of same;
4. Rent arrears statement to date of application;
5. Email from Safe Deposit Scotland 3 October 2018;
6. Messenger exchange between the parties;
7. Council Tax letter dated 20 July 2018;

Alan Strain

8. Pictures of Property;
9. Receipt for replacement carpets in sum of £1,686.09 dated 17 September 2018;
10. Receipt for dehumidifier in sum of £48.36 dated 31 August 2018;
11. Receipt for paint in sum of £67.69 dated 7 September 2018;
12. Receipt for cleaning products in sum of £19.99 dated 17 August 2018.

### **Case Management Discussion (CMD)**

The case called for a telephone CMD on 9 January 2019. Both Applicants and the Respondent participated.

The Respondent accepted that she had rented the Property from 1 April 2016 until 21 July 2018. She also accepted that she was liable to pay the Applicants £1,535 in respect of rent arrears, £802 in respect of loss of rental income and £1,822 in respect of the cost of rectification works. She accepted that she was due the total amount of £4,159 to the Applicants. The Respondent had no objection to an order being granted for payment against her, in that amount, at the CMD.

The Tribunal accordingly found that the Respondent was due the sum of £4,159 to the Applicants and granted the order sought.

### **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

\_\_\_\_\_  
Date

9 January 2019

