

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 71(1) of the Private (Housing Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/18/2872

Re: Property at 45 Langside Terrace, Port Glasgow, PA14 5XB (“the Property”)

Parties:

Mr Derek Smith, 45 Langside Terrace, Port Glasgow, PA14 5XB (“the Applicant”)

Miss Kirsty Polland, C/O Craigmarloch School, Port Glasgow Community Campus, Kilmacolm Road, Port Glasgow, PA14 6PP;

Mr David Morton, C/O British Polythene Limited, 96 Port Glasgow Road, Greenock, PA15 2UL (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made for payment by the Respondents to the Applicant in the sum of One Thousand and Twenty Nine Pounds 36 Pence (£1,029.36) Sterling.

Background

This matter called before me as a Case Management Discussion on 10 January 2019 in Gamble Halls, 44 Shore Road, Gourock, PA19 1RG. The Applicant and both Respondents were present at this Discussion. None of the parties were represented.

This was an Application by the Applicant in relation to the recovery of sums due following the termination of a Short Assured Tenancy between the parties, which tenancy had come to an end on 29 November 2018.

Discussion

The Applicant sought recovery of the outstanding rental payments due in relation to the property, amounting to 41 days rental at a rate of £18.96 per day. The Applicant also sought recovery of Sheriff Officer fees for the initial eviction action and the sum of £252 in relation to the costs involved in replacing a number of doors at the property.

The Respondents indicated that they accepted that the sum due in respect of rent was due by them and also that they accepted that they were due to make payment in relation to the replacement of the doors previously referred to.

Following discussion the Applicant indicated that he was prepared to accept the offer made by the Respondents in settlement of this Application and that an Order would accordingly be made.

Findings in Fact

- 1. That the parties had entered into a Short Assured Tenancy in relation to the property at 45 Langside Terrace, Port Glasgow, PA14 5XB.**
- 2. That this tenancy had come to an end upon the eviction of the Respondents on 29 November 2018.**
- 3. That the Respondents had not paid rent in terms of the aforementioned Tenancy Agreement for a period of 41 days, which rental had amounted to £777.36.**
- 4. That damage had been occasioned by the Respondents to a number of doors within the Applicant's property necessitating their replacement at a cost of £252.**

Decision

Having considered the foregoing I determined that the Applicant was entitled to payment of the outstanding rent in the sum of £777.36 and also entitled to payment in relation to the damage to the doors in the sum of £252. I accordingly decided that the Applicant was entitled to an Order in the sum of £1,029.36.

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.

Colin Dunipace

Legal Member/

Date

10/1/19