



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/0979

Re: Property at 96 Kenmore Drive, Greenock, PA16 9LH (“the Property”)

Parties:

Mrs Pam Kaur, Mr Sukhpal Singh, 94 Shore Street, Gourock, PA19 1RB (“the Applicants”)

Miss Caitlin Hunter, 21 Glencairn Road, Greenock, PA16 0NB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicants in the sum of £3,237.10.

Background

1. The Applicants submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order for payment in respect of rent arrears said to have been incurred by the Respondent and damage caused to the property by the Respondent.
2. By decision dated 27 January 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicants’ representative on 31 January 2023. The Tribunal assigned a CMD for 3 April 2023 and intimated the details of that CMD to the parties. On the application of the Applicants, the

Tribunal postponed the CMD and assigned a new CMD for 24 April 2023 at 10am. The Tribunal intimated details of the CMD to parties by letter of 20 March 2023.

The case management discussion

4. The CMD took place by conference call. The Applicants were represented by Mr Hendry, solicitor. The Respondent failed to join the conference call and the discussion proceeded in her absence. The Applicants' representative moved for an order for payment in the sum of £3,237.10. He explained that when the Respondent vacated the property, she owed rent arrears of £1,250. The Applicants recovered the Respondent's deposit of £600, thereby reducing the rent arrears to £650. Following the Respondent's departure from the property, the Applicants incurred the cost of repairing a number of items to return the property to the condition it was in at the beginning of the tenancy. The repairs required went beyond normal wear and tear. The costs incurred included replacing 3 carpets, redecoration, lock replacement, repairs to damaged fencing, pressure washing paving, removal of household rubbish and pest control. The Applicants have produced invoices and receipts for the expenditure incurred. The Respondent vacated the property in May 2020. The Applicants attempted to contact the Respondent to seek payment in respect of the damage caused, but the Respondent did not reply.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 1 June 2018.
6. The contractual monthly rent was £600 per month, in advance.
7. The Respondent incurred rent arrears of £1,250.
8. The Applicants incurred expenditure amounting to £2587.10 in respect of repairs required at the property.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. In terms of clause 16 of the tenancy agreement, the Respondent agreed to make good any damage to the property and to pay any costs incurred by the Applicants in carrying out work. The Applicants attempted to contact the Respondent about payment for the damage caused but were unsuccessful in reaching her. The Tribunal was satisfied that the Respondent had incurred rent arrears and the Applicants had incurred expenditure to repair or replace items at the property as a result of damage caused by the Respondent.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

N. Irvine

Legal Member/Chair

24 April 2023

Date