

Decision with Statement of Reasons 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/22/0951

Re: Property at Flat E, 37 Abercorn Street, Dundee, DD4 7FA (“the Property”)

Parties:

Harland Property Investments Ltd, 12 Langlands Street, Dundee, DD4 6JZ (“the Applicant”)

Mr Robert McKenzie, 2 Rowantree Crescent, Dundee, DD4 8EX (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment for the sum of THREE THOUSAND FIVE HUNDRED AND FIFTEEN POUNDS SEVENTY FIVE PENCE (£3,515.75) be made against Mr Robert McKenzie in favour of the Applicant.

Background

- 1. This is an application for payment. The application is dated 2nd May 2022 and was accepted for determination on 25th May 2022. Intimation of the case management discussion was made on the Respondent by Sheriff Officers on 27th July 2022.**

The Case Management Discussion

- 2. The case management discussion was held by audio conference on 12th August 2022. There was no appearance by the Respondent. Mr Chris Harland and Ms Carina Harland, directors of the Applicant company were in attendance.**

Preliminary Matters

- 3. The Legal Member outlined the purpose of a case management discussion.**
- 4. Mr Harland said that the application was in respect of rent arrears and dilapidations to the Property. He referred the tribunal to the email which he had submitted which confirmed that the Applicant had recovered the tenancy deposit of £725 from the tenancy deposit company. He said that this sum should be deducted from the sum of £4,500.75 which was in the application and that the Applicant was seeking a payment order of £3,775.75.**

5. Documents Before the Tribunal

- (i) Private rental tenancy agreement dated 7th May 2021.**
- (ii) The application dated 2nd May 2022.**
- (iii) Rent statement showing rent arrears of £2,158.15.**
- (iv) Sheriff Officers' certificate of intimation dated 27th July 2022.**
- (v) Invoices and estimates for cleaning, repair and replacement.**

6. Findings in Fact

- (i) The Applicant and Respondent entered into a private residential tenancy agreement for the Property dated 7th May 2022.**
- (ii) The tenancy terminated on 25th March 2022.**
- (iii) There are rent arrears of £2,158.15**
- (iv) The Applicant incurred costs of £2,082.60 to clean and reinstate the Property after termination of the tenancy as a result of the Respondent's failure to maintain the Property to the required standard and as a result of damage caused by him.**
- (v) The Applicant has recovered £725 from the tenancy deposit scheme.**

Reasons

- 7. Mr Harland said that he had submitted all the relevant documentation and that he saw no need for a Hearing.**
- 8. The tribunal was referred to the rent statement which showed there to be rent arrears of £2,158.15.**
- 9. Mr Harland said that, upon the Respondent's departure from the Property, the Applicant had found it to be damaged and in need of cleaning and decoration. He said that invoices had been submitted: decoration costs of £864, cleaning of 333.60 and disposal and replacement of items at a cost of £275.**

10. Mr Harland referred to an estimate of £810 which had been submitted to the tribunal and which was in respect of replacement of internal doors and mirror wardrobe doors. Mr Harland explained that this work had not been carried out. He said that the Applicant had been unwilling to undertake the work without there being a guarantee that the costs would be recovered. He said that he had spent a considerable time in making good the damage by filling the internal doors and varnishing them and also reinstating the wardrobe doors. He said that, because of difficulties in matching the doors and the time involved in sourcing replacements, he had boarded the doors and made good. He said that the repairs had been of a standard suitable to place the Property back on the rental market. Mr Harland said that the Applicant would be content to restrict that part of the claim to £610 which would be a fair reflection of the work carried out.

Decision

11. The tribunal saw no requirement for a Hearing. The Applicant had provided the necessary information for the application to be determined. The Respondent had chosen not to engage with the tribunal process.

12. The tribunal accepted that the rent statement was accurate.

13. The tribunal accepted that it was appropriate that the Applicant be reimbursed in respect of the invoices totalling £1,472.60.

14. The tribunal accepted that £610 was a fair reflection of the costs of reinstatement of internal and wardrobe doors.

15. From the total of £2,158.15 for rent arrears and the sum of £2,082.60 for dilapidations there falls to be deducted the sum of £725 in respect of the recovered tenancy deposit.

16. The tribunal makes an order of payment for £3,515.75

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.

Martin McAllister

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12th August 2022