



**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/19/3605**

**Re: Property at 16 Willow Crescent, Rosyth, KY11 2ZS (“the Property”)**

**Parties:**

**Hilton of Rosyth NHT 2014 LLP, Kiloran Hall, Middle Balado, Kinross, KY13 0NH (“the Applicant”)**

**Mr Kevin Foskett, 172 Aros Drive, Glasgow, G52 1TJ (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member) and Elaine Munroe (Ordinary Member)**

**Decision (in absence of the Respondent)**

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall pay to the applicant the sum of one thousand and thirty nine pounds and twelve pence (£1039.12).**
2. This is a hearing in connection with an application in terms of s 16 of the Housing (Scotland) Act 2014 ‘the Act’ and rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ to recover rent arrears and a payment in connection with alleged damage to the property.
3. The hearing proceeded by conference call due to the Covid-19 pandemic. The applicant’s representative Mr Dodd attended. The respondent did not attend and was not represented. The tribunal had sight of the track and trace documentation confirming that the letter notifying the respondent of the hearing was signed for on 30 July 2020. The tribunal was satisfied that the respondent had received

appropriate notice in terms of rule 24. The tribunal proceeded with the hearing in terms of rule 29.

4. The tribunal had before it the following copy documents:

- (1) Application dated 1 November 2019 and received by the Tribunal on 7 November 2019.
- (2) Rent statement.
- (3) Tenancy agreement for let of the property dated 25 May 2015 and 15 June 2015 for the initial period of 22 May 2015 until 21 November 2015.
- (4) Inventory report.
- (5) Check out report.
- (6) Photographs.
- (7) Invoice from Kapital Residential Ltd for £501.60 dated 6 November 2019.
- (8) Land certificate.

5. A case management discussion took place on 11 February 2020. The respondent attended with his wife as his representative. Rent arrears of £789.12 were agreed. The remaining sum of £501.60 was disputed. The respondent had stated that he would quantify the damage to the property at no more than £250 in respect of a damaged toilet seat, bathroom door and cooker bulb. The tribunal made directions for the applicant to produce the following by 25 February 2020:

- Further details in connection with the invoice from Kapital Residential Ltd dated 6 November 2019 including a receipted invoice for the replacement door and further information as to how the sum of £501.60 is arrived at.
- Proof of payment of the invoice from Kapital Residential Ltd of £501.60.

6. No documents were lodged in compliance with the direction. The applicant's representative wrote to the Tribunal chamber by email on 17 August 2020 and stated that there was a difficulty in obtaining the documentation but that the applicant would be prepared to accept the sum of £250 in settlement.

7. Mr Dodd advised the tribunal today that the rent arrears of £789.12 remain outstanding. His clients would be prepared to accept the sum of £250 in settlement of the remaining portion of the claim. This was the sum put forward by the respondent at the CMD.

## **8. Findings in fact**

- (1) The applicant is the owner of the property.
- (2) The parties entered into tenancy agreement in 2015 for let of the property.
- (3) The agreed rent was £486.95 per month.
- (4) When the respondent left the property in October 2019 there were rent arrears of £789.12.

(5) When the respondent left the property there was around £250 worth of damage to the property.

## 9. Reasons

This is an application to recover rent arrears and damages arising out of an assured tenancy. At the CMD on 11 February 2020 the respondent accepted damages for around £250 were caused during his period of occupation. The case was assigned to a hearing as the applicant was seeking the sum of £501.60. The application is now prepared to accept the sum of £250 for this head of claim. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal accordingly made an order for the sum of £1039.12.

## 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.**

Lesley Ward

21 August 2020

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Lesley A Ward Legal Member

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Date