



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/20/1468

Re: Property at 24/15 Milton Street, Edinburgh, EH8 8HE (“the Property”)

Parties:

Mr Graeme Walker, 439 Brady Lane, Austin, Texas, 78746, United States (“the Applicant”)

Mr Paul Leighton, 27/8 The Poplars, Hope Street, Inverkeithing, KY11 1LN (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of THREE THOUSAND EIGHT HUNDRED AND FIFTY POUNDS (£3,850.00) STERLING

STATEMENT OF REASONS

1. This application called before me for a Case Management Discussion on 22 September 2020 by teleconference. Both parties participated in the call.
2. In this application, the Applicant contended that the Respondent owed nine months’ rent arrears and had left the Property in a condition which was not commensurate with his obligations under the Tenancy Agreement. Accordingly, he claimed that the Respondent owed £4,950 of rent arrears, and that a reasonable estimate of his loss and damage as a consequence of the Respondent’s breach of contract was £2,245.25. After deduction of a tenancy deposit of £1,100 paid by the Respondent at the commencement of the tenancy, the sum claimed for was £6,095.25.

3. By email dated 15 September 2020, the Respondent provided written representations in answer. He confirmed that he did owe rent arrears, but did not accept that any rent was due for the month of November 2019, which the Applicant was seeking. He also disputed the damages claim generally, but ceded that he was liable to pay for the costs of deep cleaning the Property.
4. In light of those assertions, and to avoid protracting the matter, the Applicant advised that he would agree to an order being granted for the uncontested sums to bring the matter to a conclusion. The parties then agreed that the following sums were not contested:-
 - a. Rent arrears of £4,400;
 - b. Damages of £550, being the cleaning costs; and
 - c. Deposit to be deducted of £1,100.
5. Accordingly, the parties invited me to grant an order in the agreed sum of £3,850. I did so.

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.

A. U

22/09/20

Legal Member/Chair

Date