



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/EV/20/1843

Re: Property at 0/1 Ground Floor Left, 18 Campbell Street, Greenock, PA16 8AP (“the Property”)

Parties:

Mrs Marie Annetta Dowden, 38 Alverstone Road, East Cowes, Isle of Wight, PO32 6NZ (“the Applicant”)

Miss Stephanie Doherty or Campbell, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment by the Respondent amounting to £1598.80 (ONE THOUSAND FIVE HUNDRED AND NINETY EIGHT POUNDS AND EIGHT PENCE).

Background

1. An application was received by the Housing and Property Chamber it was dated 26th August 2020. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and end of tenancy costs.
2. A Case Management Decision (“CMD”) was held by teleconferencing on 18th August 2021 at 2pm. The Applicant was represented by Mrs Marie Annetta Dowden who is the Applicant’s mother. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing. Mrs Dowden had not provided

full details of all the outstanding rent due as this was her first time applying to the Tribunal. She had not appreciated what she could apply for from the Tribunal in terms of outstanding rent. Through the CMD discussion it became apparent that there was more owed in rent payments. The Tribunal decided to continue the CMD to allow for Mrs Dowden to submit the updated figures to the Tribunal allowing time for the Respondent to receive it should they contact.

3. Service by Advertisement was undertaken for the Respondent. This was advertised from 2nd September 2021 for 15 days after the publication.

The Case Management Discussion

4. A CMD was held by teleconferencing on 4th October 2021 at 10am. The Applicant was represented by Mrs Marie Annetta Dowden who is the Applicant's mother. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
5. Mrs Dowden had submitted further information seeking payment for rent arrears amounting to £1298.80. This was for the initial month's rent which was not paid, the notice period which was not paid and rent for March 2020 for which only £51.20 was paid leaving £398.80 remaining. The Tribunal was content that £1298.80 was due by the Respondent to the Applicant.
6. In terms of the cleaning and repairs costs sought, Mrs Dowden had detailed that she was seeking the following:-
 - a. Dry cleaning of the curtains - £50
 - b. Shampooing of carpets - £100
 - c. Repair to the plaster where a TV bracket had been removed - £30
 - d. Cleaning of cooker and fridge - £60
 - e. Descaling of the shower - £120

The Tribunal accepted that the Respondent left the Property on 27th March 2020 which was at the very start of the pandemic. As such Mrs Dowden had struggled to get assistance with the cleaning and repairs. The work was paid for without receipts. Under these exceptional circumstances the Tribunal found the figures produced to be reasonable and fair with the exception of the shower cost. Mrs Dowden advised that the shower required to have the grouting re done and a proportion of the shower retiled. She attributed this to the Respondent not cleaning it sufficiently. She was not sure what proportion of the shower needed re tiled. As such the Tribunal did not consider that it was clear what the costs were for but accepted that some work was required. The Tribunal restricted the award for the shower to £60. This meant that the total that the Tribunal awarded for the cleaning and repairs costs totals £300.

Decision

7. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £1598.80

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.

4 October 2021

Legal Member/Chair

Date