

Housing and Property Chamber
First-tier Tribunal for Scotland



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 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 regulations”)

Chamber Ref: FTS/HPC/CV/21/0103

Re: Property at 35 Calside Road, Dumfries, DG1 4HA (“the Property”)

Parties:

Calmac Developments Limited, Nether Brookfield, Craigs Road, Dumfries, DG1 4UT (“the Applicant”)

Mr Robert Cumming, whose address is unknown, (“the Respondent”)

Tribunal Members:

Graham Dunlop (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

The Respondent is to pay to the Applicant the sum of EIGHT THOUSAND TWO HUNDRED AND EIGHTY THREE POUNDS ELEVEN PENCE (£8,283.11) STERLING with interest at the rate of 4% above the base lending rate of the Bank of Scotland plc from the date of the decision until payment.

Background

This is an application for payment in respect of rent arrears, cleaning costs, and damage to the front door of the property. The respondent’s whereabouts are unknown and service was effected by advertisement on the website of the First-tier Tribunal for Scotland Housing and Property Chamber.

The Tribunal was provided with an invoice for the new door. In addition the Tribunal was provided with a rent statement showing arrears of rent of £7,935.68.

The Tribunal was not provided with an invoice for the cleaning although as noted below the Tribunal assessed the cost as reasonable being £24.63.

The Case Management Discussion (“CMD”)

1. The applicant was not present but represented by Mr Maxwell Solicitor. The purpose of the CMD was discussed.
2. Mr Maxwell explained that he was advised that the tenant had damaged the door which resulted in the front door being replaced. The costs are recoverable under clause 24 of the tenancy. The cleaning costs were not vouched for by a written receipt although the Tribunal found the sum sought of £24.63 as reasonable given the length of the tenancy.
3. Clause 5 of the tenancy provides for interest at a rate of 4% above the Bank of Scotland plc base lending rate.

Findings in Fact

1. That the respondent is required to pay rent and is in arrears of rent amounting to £7,935.68
2. That the tenant damaged the front door. The costs associated with the front door and cleaning are reasonable and due under the tenancy.

Reason for Decision

1. The paperwork submitted to the Tribunal and further oral submissions by Mr Maxwell enabled the tribunal to conclude on the balance of probabilities that the application and sums sought were proven.

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.

Graham Dunlop

25th May 2021

Legal Member/Chair

Date

