



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/21/1539

Re: Property at Meikle Endovie Farmhouse, Alford, Aberdeenshire, AB33 8EE (“the Property”)

Parties:

Mrs Rachel Watson, 57 Wellside Circle, Kingswells, Aberdeen, AB15 8DY (“the Applicant”)

Mr Michael Radford, Mrs Nicola Radford, 16 Niniam Place, Portlethen, Aberdeen, AB12 4QW; 16 Niniam Place, Porthlethen, Aberdeen, AB12 4QW (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for £4728.38 (FOUR THOUSAND SEVEN HUNDRED AND TWENTY EIGHT POUNDS AND THIRTY EIGHT PENCE)

Background

1. An application was received by the Housing and Property Chamber dated 18th June 2021. 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. On 3rd August 2021 all parties were written to with the date for the Case Management Discussion (“CMD”) of 6th September 2021 at 2pm by

teleconferencing. The letter also requested all written representations be submitted by 24th August 2021.

3. On 5th August 2021, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondents by letterbox service. The sheriff officers made investigations to confirm that the Respondents lived at this address before depositing it in the letterbox. This was evidenced by Certificate of Citation dated 5th August 2021.

The Case Management Discussion

4. A CMD was held 6th September 2021 at 2pm by teleconferencing. The Applicant was represented by Mrs Rachel Watson, P Mathers & Son. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
5. The Applicant sought the total amount of £4728.38. This was for rent arrears of £3450, various inventory issues including the filling of the oil tank totalling £1848.38 and the emptying of the septic tank which cost £280. The deposit was returned to the Applicant by the deposit scheme that it was lodged in. This reduced the amount outstanding by £850 to £4728.38.
6. A rent account had been lodged. It demonstrated that there had been missed payment of rent from November 2020. The tenancy ended on 31st March 2021.
7. The Respondents told the Applicant that they had financial issues arising from the Covid Pandemic. The Second Named Respondent was furloughed having her wages reduced to 80% of her full wage. The First Named Respondent is self employed and did not get financial help. The Respondents told the Applicant that they applied for Universal Credit. Payments of £500 per month were received. The Respondents told the Applicant that they had received £511 per month so paid £500. This left a shortfall of £350 per month.
8. The Respondents have not entered into a payment plan regarding the arrears. The Respondents did contact to say that they would enter into a payment plan but have not done so. The Applicant has texted and emailed the Respondents. There has been no contact since mid April 2021. The rent arrears total £3450.
9. The Property was let as an unfurnished property. The Applicant had to arrange to have a kitchen island removed, bar stools, a double bed, a single bed, bedding, a washing machine, a dishwasher and a summer house that was built without consent. A plumber was required to disconnect the washing machine and dishwasher as both were full of black liquid. This cost £40. The summer house electricity was sourced directly from the house. The Applicant considered this to be very dangerous. She required an electrician to disconnect the summerhouse electricity. This cost £40. She had to undertake further electrical work in the Property but has not included this in the amount sought. She spent 5 days from 9am to 5pm tidying the garden after the tenants left. She had the

help of her husband and son. The Applicant does not consider that she has charged an amount that would cover the cost. She noted a cost of £250 which was for the skip and the labour. The Applicant had a professional clean done but assisted too. The clean cost £150 she included an extra £50 to cover her cost for the day and a half that she was cleaning. The wood burner stove needed parts replaced. Both coal and metal had been burnt in it. This is not appropriate for such a burner. This cost £250. The oil tank needed to be filled. This was done for the Respondent moving in to the Property. It cost £968.38. The septic tank required emptying which cost £280.

10. The Tribunal was satisfied that the outstanding amount for £4728.38 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 1st March 2019.
12. The Respondents persistently failed to pay their rent charge of £850 per month. The rent payments are due to be paid on 1st day of each month.
13. As a result of the Respondents occupation of the Property. The Applicant had higher than normal costs when the Respondents left.
14. There are now no outstanding Universal Credit issues.
15. The amount sought in total is £4728.38.
16. The Applicant gave oral evidence explaining all the costs that had arisen and addressed the rent arrears. The Applicant had also lodged inventories, photographs taken at the end of the tenancy and a rent account. This was all served upon the Respondents as part of the paperwork for the case by the Housing and Property Chamber by sheriff officers on 5th August 2021. The Respondents had this information in sufficient time prior to the CMD to take legal advice or represent themselves. They chose to do neither. The Tribunal was satisfied that the Respondents were aware of the amount being sought and how the calculation had arisen.

Decision

17. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £4728.38.

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.



6th September 2021

Legal Member/Chair

Date