



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/22/1268

Re: Property at 48 Whiskeyhall, Mossblow, KA6 5DE (“the Property”)

Parties:

Mr Alan Taylor, Lindston Farm, By Ayr, KA6 6AL (“the Applicant”)

Miss Eilidh Moore, 12 Dundonald Terrace, Preswick, KA9 1EB (“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 of payment from the Respondent amounting to £1680.00 (ONE THOUSAND SIX HUNDRED AND EIGHTY POUNDS)

Background

1. An application was received by the Housing and Property Chamber dated 29th April 2022. 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 damaged caused to the Property.
2. On 23rd July 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 29th August 2022 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 13th August 2022.

3. On 27th July 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 27th July 2022.

The Case Management Discussion

4. A CMD was held 29th August 2022 at 2pm by teleconferencing. The Applicant was present and represented himself. Mrs Taylor was also present on the teleconferencing but did not make any representations to the Tribunal. 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. The Applicant confirmed that the deposit was returned to the Applicant to make payment towards the outstanding arrears. The total arrears accrued by the Respondent was £1090. The deposit of £595 was returned to reduce the arrears. This leaves £495 rent arrears outstanding.
6. The Applicant has lodged two invoices for works undertaken in the Property. One is for a joiner for £535 the other is for a decorator for £650 the total cost is £1185. The Applicant has not included any cleaning costs as he undertook the cleaning himself.
7. The Applicant told the Tribunal that the Property was immaculate prior to the Respondent renting it from him. A great deal of damage had been done including the fire alarms being removed. The Respondent had kept them in her car and had brought them into the house when the Applicant had asked their whereabouts.
8. The Applicant requested that the Respondent be put on a register for bad tenants. The Tribunal was not aware of such a register. It is not within the powers of the Tribunal to add tenants to a register.
9. The Tribunal was satisfied that the outstanding amount for £1680 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 30th July 2021.
11. The Respondent persistently failed to pay her rent charge of £595 per month. The rent payments are due to be paid on the 30th day of each month.
12. The Respondent has left the Property. The Respondent left the Property in such poor condition that the Applicant had to instruct a decorator and a joiner to bring the Property into the condition that it was before the Respondent occupied it.

13. The arrears outstanding sought total £495. The deposit of £595 was returned to the Applicant to address a portion of the arrears of £1090. The outstanding amount after the deduction of the deposit is £495.

14. The Applicant had to instruct a decorator and a joiner to undertake repairs within the Property. The combined cost for the repairs is £1185. The Applicant lodged invoices for this amount.

Decision

15. The Tribunal found that the Applicant is entitled to be granted an order for payment amounting to £1680.

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.

G Miller

29th August 2022

Legal Member/Chair _____

_____ Date