



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/22/0381

Re: Property at 58 Ivanhoe Drive, Glenrothes, Fife, KY6 2ND (“the Property”)

Parties:

Mr Kevin Masson, 11 Milnwood Court, Glenrothes, Fife, KT6 2PD (“the Applicant”)

Mr Kevin Grewar, 2 Smeaton Road, Kirkcaldy, KY1 2EY (“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 to be granted from the Respondent for £3310 (THREE THOUSAND THREE HUNDRED AND TEN POUNDS).

1. An application was received by the Housing and Property Chamber dated 7th February 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 the cost of disposing of items left in the Property by the Respondent.
2. On 28th April 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 10th June 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 19th May 2022.

3. On 3rd May 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 3rd May 2022.

The Case Management Discussion

4. A CMD was held 10th June 2022 at 10am by teleconferencing. The Applicant was present. 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 was seeking to have the full amount in the application granted. This is namely £3010 for unpaid rent and £300 for disposing of items left by the Respondent. The total sought being £3310.
6. A rent account had been lodged prior to the CMD for the period 9th February 2021 to 5th November 2022 showing the missed payments and the outstanding amount for missed rent payments amounting to £3010.
7. The Applicant had submitted a receipt of payment for £300 for the disposal of items from the Property left by the Respondent. The Property was let on an unfurnished basis. Various items were left in the Property such as televisions and a sofa. The Applicant explained that the carpet was uplifted as it was covered in animal excrement and could not be used again. The Applicant also lodged an email from walker Love Sheriff Officers on 9th March 2022 confirming that they could not trace the Respondent. An invoice for this search had also been attached for £90. This fee was not included in the amount sought by the Applicant as the Applicant did not amend the application.
8. The Tribunal was satisfied that the outstanding amount for £3750 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 9th February 2021.
10. The Respondent persistently failed to pay his rent charge of £450 per month. The rent payments were due to be paid on 6th day of each month.
11. A number of items were left in the Property by the Respondent which the Applicant had to remove. The cost of removing these items totalled £300.
12. There are no Universal Credit Housing Element matters outstanding which would reduce the rent arrears.
13. The arrears sought total £3310.

Decision

14. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £3310 from the Respondent.

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. M

10th June 2022

Legal Member/Chair

Date