



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2024

Chamber Ref: FTS/HPC/CV/21/1199

Re: Property at 50 (G/2) Provost Road, Dundee, DD3 8AH (“the Property”)

Parties:

Sale Developments Limited, Westburn House, Near Dunning, Perth, Perthshire, PH2 0QY (“the Applicant”)

Mr Jamie Maxwell, 46 Sheriff Stein Place, Arbroath, Angus, DD11 5JY (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,805.

Background

By application, received by the Tribunal on 19 May 2021, the Applicant sought an Order for Payment against the Respondent. The sum sought was £5,805.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 27 February 2018 at a rent of £360 per month, a Rent Statement showing arrears as at 12 August 2019 of £5,088 and a large file of photographs showing the condition of the Property at 25 June 2019. The Applicant also provided a copy of a Check-in Report dated 26 February 2018 and copies of contractors’ Invoices in respect of redecoration (£318), Carpet shampooing (£80) and cleaning, gardening and rubbish removal (£252).

In the application, the Applicants stated that the tenancy had ended on or about 11 June 2019, when the Respondent had been evicted. The only payments he had made were the initial rent and the deposit. He had failed in his obligations under the

tenancy agreement to take reasonable care of the Property and he had caused damage to the Property and had failed to remove his belongings and refuse. On 2 July 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations to the Tribunal by 23 July 2021. The Respondent did not provide any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 5 August 2021. The Applicant was represented by Mr Joshua Bahru of Gilson Gray solicitors, Edinburgh. The Respondent was neither present nor represented. Mr Bahru asked the Tribunal to make the Order for Payment without a Hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing. The Tribunal was satisfied that it had before it all the information and documentation it required to decide the application without a Hearing.

The Tribunal noted from the photographs provided by the Applicant that the Respondent had left the Property in a filthy state and that the garden was completely overgrown. A number of items belonging to the Respondent and a significant amount of rubbish had been left behind by him. The check-in report indicated that the Property had been in good condition at the start of the tenancy.

The Tribunal was satisfied that the amount claimed for rent had become lawfully due by the Respondent to the Applicant and that the condition of the Property was such that the Applicant was entitled to recover from the Respondent the amounts claimed in respect of cleaning (including shampooing the carpets), gardening and disposal of rubbish. As regards the cost of redecoration, the Tribunal would normally have deducted from the sum sought an amount to reflect normal wear and tear that would be expected in the course of a tenancy that had lasted some sixteen months. In the present case, however, it was clear from the photographs provided by the Applicant that there had been actual damage to a number of walls. The Respondent would have been responsible for the necessary remedial work and also the cost of the redecoration that would inevitably have been required after the repairs were carried out. Accordingly, the Tribunal decided that the Order for Payment should include the full cost of redecoration.

Decision

The Tribunal determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,805.

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.



Legal Member/Chair

5 August 2021
Date