

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 1988

Chamber Ref: FTS/HPC/CV/19/0555

Re: Property at 22 Myers Court, Uddingston, G71 7FL (“the Property”)

Parties:

Innov8 Housing Solutions, 50 Scott Street, Motherwell, ML1 1PN (“the Applicant”)

Miss Claire Scally, Flat 2/1, 3 Warriston Gate, Carntyne, Glasgow, G33 3PA (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member) and Mary Lyden (Ordinary Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made for payment by the Respondent to the Applicants in the sum of £2,246.55.

Background

- 1. This matter initially called as a Case Management Discussion at 2pm on 23 April 2019 in Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT. The Application related to a Short Assured Tenancy agreement between the parties dated 30 September 2016 whereby the Respondent agreed to make payment of rent on a monthly basis in the sum of £448 per calendar month. In support of the Application was lodged; a copy of the Short Assured Tenancy Agreement; AT5 Form; Rent Statement; Communication Log between the Respondent and Applicants; Opening Inventory; end of Tenancy photos; Works Order; End of Tenancy Photos; Works Order for repairs to Property at Tenancy End; and Rechargeable Repairs Invoice. Further invoices from Timetra Limited in the sum of £528.44 and from Complete Cleaning in the sum of £132 were**

also lodged by the Applicants in advance of the Hearing. At that time a full Hearing was fixed for 28 May 2019.

2. The Applicants were represented at this Hearing by Ms Carol Sanderson and Ms Linda Sneddon, both of Clyde Valley Property Services. The Respondent was not present nor was she represented at this Discussion. Having considered the question of service the Tribunal was satisfied that this had been effected and accordingly determined that the Hearing should proceed in her absence. The Tribunal did note however the Respondents had submitted written representations disputing the sum sought by way of repairs, and these were taken into account by the Tribunal.
3. At the Hearing the Applicants' representatives sought an Order as craved, both in respect of the arrears of rent, and in respect of the cost of re-instatement of the property as a result of damage occasioned thereto.
4. The Tribunal noted that the Respondent had previously contacted the tribunal indicating that she accepted that the arrears of rent were correctly stated and were owed by her in that amount, although she did indicate that she had experienced financial difficulties in paying these. It was also noted that the Respondent disputed that the sum sought by way of the repairs was accurate, given her contention that she had left the property in a good condition. As indicated the Respondent did not attend at the Tribunal to provide any further evidence in this regard. In support of the Application reference was made to the invoices which had been lodged outlining the extent of the works carried. Reference was also made to a number of photographs showing the damage which had been occasioned to the property. Having considered the evidence the Tribunal was satisfied that damage had been occasioned to the property and that the sums sought were reasonable in the context of re-instating the property and restoring it to a lettable standard. In these circumstances the Tribunal determined that an Order should be made in respect of the arrears of rent as sought and also in relation to the costs incurred in respect of the damage which had been occasioned to the property.

Decision

1. An Order should be made in favour of the Applicants for payment by the Respondents to them in the sum of £2,246.55.

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.

C.Dunipace

Legal Member/Chair

28/5/14

Date

*Insert or Delete as required