

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 Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/PR/22/2153

Re: Property at 1F1 28 Hamilton Place, Edinburgh, EH3 5AU (“the Property”)

Parties:

Mr Stephen Edwards-Muthu, 3F4 49 Balcarres Street, Edinburgh, EH10 5JQ (“the Applicant”)

Mrs Jean Grier, 9 Malta Terrace, Edinburgh (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of ONE HUNDRED AND FIFTEEN POUNDS STERLING (£115.00) be granted.

Background

1. By application received on 4 July 2022 (“the Application”), the Applicant applied to the Tribunal for an Order for return of the tenancy deposit of £495.00 paid by him. The Application comprised copy correspondence between the Parties showing that a deposit had been paid in respect of a tenancy agreement between them and that Respondent was withholding payment due to outstanding rent and repair costs. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 22 August 2022 at 14.00 by telephone conference.

Case Management Discussion

2. The CMD took place on 22 August 2022 at 14.00 by telephone. Both Parties took part.

3. The Applicant confirmed the detail of the Application and stated that he had paid the deposit in 2006. He accepted that he owed rent amounting to £135.00 at the end of the tenancy and that the Respondent was entitled to retain sums to account for cleaning and repairs. The Respondent confirmed that these costs amounted to £135.00 in respect of rent and £245.00 in respect of cleaning and repairs. The Applicant accepted that these sums fell to be deducted from the deposit.

Findings in Fact

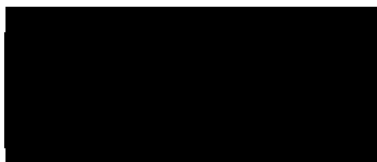
4. From the Application, the written representations and the CMD, the Tribunal made the following findings in fact: -
 - i) There had been a tenancy of the Property between the Parties which began in 2006;
 - ii) A tenancy deposit of £495.00 was paid at that time;
 - iii) Rent amounting to £135.00 was due and owing at the end of the tenancy;
 - iv) The Applicant is responsible for the Respondent's costs of £245.00 in respect of cleaning and repairs;
 - v) The total sum of £380.00 falls to be deducted from the tenancy and retained by the Respondent.

Decision

1. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" and so proceeded to make an order for payment in the sum of £115.00, being the balance of the deposit of £495.00 due to the Applicant.

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

22 August 2022
Date