

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 2014**

Chamber Ref: FTS/HPC/CV/18/1097

Re: Property at 70 Balgarnock Terrace, Dundee, DD2 4RD (“the Property”)

Parties:

Lara Lettings Ltd, Bank House, Stirling Street, Dundee, DD3 6PJ (“the Applicant”)

**Mr Derek Dignan, Ms Tiffany Dignan, 647 Charleston Drive, Dundee, DD2 4AD;
647 Charleston Drive, Dundee, DD2 4AD (“the Respondents”)**

Tribunal Members:

George Clark (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted and an Order for Payment should be made, requiring the Respondents to pay to The Applicant the sum of £2,580.10.

Background

By application, received by the Tribunal on 4 May 2018, the Applicant sought an Order for payment by the Respondents to the Applicant of the sum of £3,274.10. This sum was later amended to £2,580.10 by an amendment to the application received by the Tribunal on 6 July 2018.

In the application, as amended, the Applicant contended that the Respondents had vacated the Property leaving rent arrears of £1,774.60. In addition, the Applicant had had to redecorate the Property to a lettable standard, as the Respondents had, without consent, carried out some decoration work, deemed not to be of a suitable standard. The Applicant provided the Tribunal with copies of two invoices for redecoration, totalling £805.50.

On 8 September 2018, the Tribunal advised the Parties in writing of a Case Management Discussion to be held on 3 October 2018 and invited the Respondents

to make written representations by 25 September 2018. The Respondents made no written representations to the Tribunal.

A Case Management Discussion was held on 3 October 2018. The Legal Member of the Tribunal decided that a hearing was required and issued a Direction to the Applicant, requiring production of documents needed for the hearing, namely a signed copy of the Inventory of the lease, along with any other documents or photographs showing the condition of the Property at the outset of the lease, a list of the detail of the defects complained of at the end of the lease, along with any other documents or photographs showing the condition of the Property at the end, any written documentation showing whether or not a claim had been made against the deposit secured through Safe Deposit Scotland, the current status of any claim and any deductions made.

By letter, dated 26 October 2018, the Applicant provided the Tribunal with a copy of the Inventory to the lease, each page of which was initialled by the Respondents, photographic evidence, initialled by the Respondents, showing the Property at the outset of the lease, photographs of the Property taken after the Respondents vacated the Property, confirmation that no deposit had actually been paid by the Respondents and a Statement from Mr Paul Allan. In that Statement, Mr Allan said that the Respondents had failed to provide access to the Property for a final inspection and had not returned the keys. The Applicant had had to force entry and change the locks. Mr Allan had found that the Respondents had carried out redecoration without express permission and had not left the Property in a clean and tidy condition. A deep clean had been required and the Applicant had had to dispose of items left by the Respondents.

The Hearing

A hearing was held at Hilltown Community Centre, 201/203 Hilltown, Dundee DD3 7AF on the morning of 19 November 2018. The Applicant was represented by Mr Alec Campbell. The Respondents were not present or represented at the hearing.

Mr Campbell advised the Tribunal that the main reason for the amount sought having been reduced by amendment was that the original rent statement had included a deposit payment due of £450. No deposit had actually been paid, so this sum fell to be deducted from the amount sought.

Reasons for Decision

The Tribunal was satisfied from the evidence before it that the amount sought was due by the Respondents to the Applicant. The lease, signed by the Respondents on 9 November 2016, provided that the Respondents must not paint or decorate any part of the Property without obtaining the Applicant's written consent. The Respondents had made no written representations to the Tribunal, contesting any of the evidence provided by the Applicant and had not been present or represented at the hearing.

Decision

The Tribunal decided to grant the application as amended and to make an Order for Payment by the Respondents to the Applicant of the sum sought, namely £2,580.10.

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.

George Clark

Legal member/Chair

19 November 2018
Date