



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/24/4589

Re: Property at 9B Walker Road, Aberdeen, AB11 8DQ (“the Property”)

Parties:

Cesar Properties Ltd, 17 Urquhart Terrace, Aberdeen, AB24 5NG (“the Applicant”)

Miss Eileen Okoth Mungo, GFR 70 Nelson Street, Aberdeen, AB24 5ES (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

1. On 2nd October 2024 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of £2604 being a sum of rent arrears and a sum for cleaning, trace services and legal costs.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 5th April 2024 and showing a rent of £570 per month and a deposit of £570;
 - b. Rent Statement showing arrears of £1048 at the end of the tenancy;
 - c. Invoice from Stirling Park Sheriff Officers dated 10th December 2024 for £96;
 - d. Invoice from Complete Clarity Solicitors dated 16th August 2024 for £705.60;
 - e. Invoice from Complete Clarity Solicitors dated 30th August 2024 for £554.40.

3. The Application was served on the Respondent by Sheriff Officer on 2nd April 2025.
4. A Case Management Discussion (“CMD”) took place on 1st July 2025 by teleconference. Neither party dialled in and the Chairperson dismissed the application.
5. The Applicant asked for a review of the decision and provided a reason for not attending the CMD. The Chairperson allowed the review and a new CMD was fixed for 5th May 2026.
6. Service of the new CMD date failed on the Respondent. Service By Advertisement was allowed as Sheriff Officers were unable to trace her.
7. The Tribunal produced a Certificate of Advertisement dated 5th May 2026.

Case Management Discussion

8. The Case Management Discussion (“CMD”) took place on 5th May 2026 by teleconference. The Applicant was represented by Mr Turzynski, Director. The Respondent did not attend and was not represented.
9. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
10. Mr Turzynski asked that an order be granted for payment. He was seeking the unpaid rent of £1048 plus one month as the respondent did not give a month’s notice, totalling £1618. He was also seeking an additional 5% of the outstanding sum as per the tenancy agreement, totalling £80.90. The Chairperson was satisfied this was due and the total sum awarded for rent arrears is £1689.90.
11. Mr Turzynski asked for £200 for cleaning costs. He had carried out the work himself, and he could not identify a clause in the tenancy agreement that allowed this charge. The Chairperson was not prepared to allow it.
12. Mr Turzynski asked for £96 for the Sheriff officer’s fee for tracing report required for the Service by Advertisement application. The Chairperson considered this to be a reasonable charge.
13. Mr Turzynski asked for £1260 for legal costs. He could not identify a clause in the tenancy agreement that allowed this charge. The Respondent gave notice and the Applicant did not need to evict her. The Chairperson did not consider it reasonable to allow these charges to be the responsibility of the Respondent.

14. Mr Turzynski confirmed that the deposit of £570 had been returned to him by the deposit scheme.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £570;
- iii. The Respondent vacated the property without giving the correct notice;
- iv. At the end of the tenancy the rent arrears owed were £1689.90;
- v. It was reasonable to award the costs of tracing services of £96;
- vi. The Applicant received return of the deposit of £570.

Reasons for Decision

15. The Respondent owes the Applicant the sum of £1224.90.

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.

Alison Kelly

Legal Member/Chair

05/05/2026

Date
