

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/19/1102

Re: Property at 58 Marswood Green, Hamilton, ML3 9EE (“the Property”)

Parties:

**Mrs Leanne Goodfellow, 6 Medway, Bellgrave, Tamworth, West Midlands, B77
2JN (“the Applicant”)**

**Ms Samantha Boujnah, c/o 21 Wellcroft Terrace, Hamilton, ML3 9SF (“the
Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondent(s) for
payment of the undernoted sum to the Applicant(s):**

**Sum of ONE THOUSAND ONE HUNDRED AND SEVENTY-TWO POUNDS AND
NINETY-TWO PENCE (£1,172.92) STERLING**

- **Background**

An application dated 5 April 2019 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017. Said application sought payment in the sum of £1,172.92 against the Respondent. Said sum was comprised of rent arrears, cleaning costs and removal costs.

- **The Case Management Discussion**

A Case Management Discussion ("CMD") took place on 2 July 2019. The Applicant was represented by Lesley Barclay of Happy Lets Limited (the Applicant's managing agent). There was no appearance by or on behalf of the Respondent.

The Applicant's representative moved for the order to be granted as sought. The Tribunal as advised that the Respondent had vacated the property on 24 January 2019. At that date there were arrears of rent due amounting to £1580. Cleaning costs were incurred in the sum of £52.92 and removal of items costs incurred of £35. The deposit had been returned to the Applicant in the sum of £495, leaving a total balance due of £1172.92 by the Respondent.

A rent statement together with invoices for the cleaning costs and removal costs, and copy of the tenancy agreement between the parties, were lodged alongside the application.

The Tribunal was advised that emails and letters had been sent to the Respondent following her vacating the Property, seeking payment of the sums due. No response had been given by the Respondent to said efforts to contact her, nor any payment made.

- Findings in Fact

The Tribunal made the following findings in fact:

1. The parties entered into a short assured tenancy agreement ("the Agreement") which commenced on 10 March 2017;
2. The Respondent vacated the Property on 24 January 2019;
3. In terms of Clause 1.8 of the Agreement, the Respondent was obliged to pay a monthly rent of £395;
4. At the date the Respondent removed from the Property, arrears of rent in the sum of £1580 were due;
5. In terms of 2.12 of the Agreement, the Respondent agreed to keep the interior of the Property and the contents in a good and clean condition;
6. In terms of Clause 2.57 of the Agreement, the Respondent agreed to remove all of her belongings, personal effects, foodstuffs, furnishings and equipment from the property on or before the last day of the tenancy.

- Reasons for Decision

The Tribunal was satisfied that the Respondent was obliged to pay a monthly rent of £395 and had failed to do so, accruing rent arrears of £1580 at the date of her termination of tenancy. The Tribunal was satisfied that in terms of Clauses 2.12 and 2.57 of the said tenancy agreement, the Respondent was responsible for ensuring that the Property was kept in a good and clean condition and further that she removed all of her belongings from the Property upon her vacating same. The Tribunal was accordingly satisfied that the Applicant was entitled to recover the sum sought of £1172.92, following the repayment of the tenancy deposit to them.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND ONE HUNDRED AND SEVENTY-TWO POUNDS AND NINETY-TWO PENCE (£1,172.92) STERLING

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.

Fiona Watson

Legal Member/Chair

Date

2/7/19