



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/22/3307

Re: Property at 4 Hill Avenue, Newton Mearns, Glasgow, G77 6BL (“the Property”)

Parties:

Mrs Elaine Mann, Mr Gerald Mann, 464 Clarkston Road, Glasgow, G44 3QE (“the Applicants”)

Mrs Selma Pereira, Mrs Celia Pereira, flat 2 213A Ayr Road, Newton Mearns, Glasgow, G77 6AH (“the Respondents”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application is granted and the Applicants are entitled to an order for payment for £614.00 (SIX HUNDRED AND FOURTEEN POUNDS) from the Respondents.

Background

1. An application was received by the Housing and Property Chamber with an email dated 9th September 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments, damage to property and extra end of tenancy costs.
2. On 20th January 2023 all parties were written to with the date for the Case Management Discussion (“CMD”) of 3rd March 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 10th February 2023.

3. On 24th January 2023, sheriff officers served the letter with notice of the CMD date and documentation upon both of the Respondents by letterbox service. This was evidenced by Certificate of Intimation dated 24th January 2023.

The Case Management Discussion

4. A CMD was held 3rd March 2023 at 2pm by teleconferencing. Mr Gerald Mann appeared on behalf of both Applicants. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the CMD.
5. Mr Mann told the Tribunal that the Second Named Respondent, who is the Guarantor, had contacted the Applicants querying the amount. Mr Mann wrote to the Respondents with vouching. There was one phone call from the Guarantor's partner who wanted access to the Property to pick up some post after the tenant had left. The Respondents had been entering the Property after the tenancy ended to get post. Mr Mann said that he had been notified of this by tradesmen who were working in the Property at that time. Directly after this the locks were changed.
6. The Tribunal noted that the invoice for plumbing was £288 but it had been noted as £200 (combined) on the list of items claimed. Mr Mann said that the cost of the repair had been £288 but he had quoted the Respondents £200 at the initial point of the repair. He felt he should honour that quote.
7. The Tribunal was satisfied that the outstanding amount for £614 was due to the Applicants by the Respondents and that it was appropriate to grant an order accordingly.

Findings and reason for decision

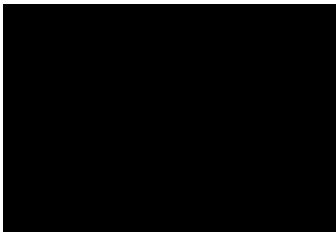
8. A Private Rented Tenancy Agreement commenced 18th January 2021 and ended on or around 18th May 2022.
9. The First Named Respondent persistently failed to pay her rent charge of which totalled £25. The First Named Respondent failed to return the keys which meant that the locks needed changed after the tenancy ended. As a result of the tenancy the Property was damaged. Items belonging to the First Named Respondent required to be removed and other items required to be replaced.
10. The Second Named Respondent is the guarantor to the lease.
11. The Applicants lodged vouching for the amount sought.
12. The listed amount for the Applicants costs was £1264. The full deposit of £650 was returned to the Applicants reducing the amount outstanding to £614.
13. There have been no offers of payments from the Respondents.

Decision

14. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £614.

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.



3rd March 2023

Legal Member/Chair

Date