



**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/20/2548

Re: Property at 20 Wingate Place, Aberdeen, AB24 2TD (“the Property”)

Parties:

Mr Otto Varga, 43 Hilton Road, Aberdeen, AB24 4HR (“the Applicant”)

**Mr Deniss Hotulovs, 35 Girdleness Road, Aberdeen, AB11 8DG (“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 in the amount of £770 should
be made.**

Background

On 8th December 2020 the Applicant lodged an Application with the Tribunal under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking payment from the Respondent of the sum of £824 being rent arrears and expenses.

Lodged with the application were: -

1. Copy Tenancy Agreement.
2. Rent Statement.
3. Invoices for cleaning and for tracing fee

The Applicant was served personally on the Respondent by Sheriff Officers on 8th January 2021.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant dialled in. There was no attendance by the Respondent or any representative.

The Applicant confirmed that the Respondent had vacated the property. The rent arrears were £1125. The deposit of £450 had been paid to the Applicant by the tenancy deposit scheme, and he had applied it to the arrears, bringing them down to £675.

The Applicant had had to have the property cleaned and he submitted an invoice to the Tribunal for £95.

The Applicant had employed tracing agents to locate the Respondent, at a cost of £54. He had submitted that invoice to the Tribunal.

Findings in Fact

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The rent was £450 per month;
3. The respondent paid a deposit of £450;
4. The Respondent has vacated the property;
5. At the date the Respondent left the property the rent arrears were £1125;
6. The Applicant claimed the deposit from the tenancy deposit scheme and applied it to the arrears bringing them down to £675;
7. The Applicant had to have the property cleaned after the Respondent vacated at a cost of £95;
8. The Applicant incurred costs to trace the Respondent.

Reasons for Decision

The Respondent was in arrears of rent in the amount of £675. The Applicant incurred the cost of £95 to have the property cleaned. The deposit had already been exhausted by the rent arrears and therefore the Applicant could not claim it through the tenancy deposit scheme.

There was no basis for the claim for the tracing agent’s fee as there was nothing in the tenancy agreement to make the Respondent liable for it.

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.

A Kelly

12th February 2021

Legal Member/Chair

Date