



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1224

Re: Property at Flat 3/1, 74 Sanda Street, Glasgow, Lanarkshire, G20 8PS (“the Property”)

Parties:

Mrs Charlotte Louise Bright, C/O TC Young, 7 West George Street, Glasgow, G1 1BU (“the Applicant”)

Mr Arshud Mahmood, UNKNOWN, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of FOUR THOUSAND AND NINETY-TWO POUNDS AND FORTY-FIVE PENCE (£4092.45)

Background

1. By application dated 29th May 2020 the applicant seeks an order for payment in respect of rent arrears and costs incurred due to the condition of the property.
2. The Tribunal had before it the following documents
 - Copy tenancy agreement
 - Copy rent account
 - Invoice for cleaning
 - Repairs invoice

Case Management Discussion (“cmd”)

3. A cmd took place by teleconference on 12th October 2020. The applicant was represented by Ms Morrison from TC Young solicitors. The respondent was not present or represented. The application had been served on the respondent by way of advertisement on the Tribunal’s website in terms of rule 6A. The Tribunal

was satisfied that the respondent had been given reasonable notice of the cmd in terms of rule 24 and proceeded with the cmd in his absence in terms of rule 29.

4. Ms Morrison referred to the rent statement that had been lodged and confirmed that the arrears built up in the period from September 2019 until the date when the tenancy was terminated on 10th December 2019. The arrears over that period were £2829.45 as set out in the lodged rent account.
5. Ms Morrison referred to the invoices lodged in respect of the works carried out after the tenancy had terminated. The invoices showed that the applicant had paid £339 for cleaning and £1875 for remedial works including redecoration and repairs to fixtures and furniture in the property. Ms Morrison advised the Tribunal that a deposit of £950 had been paid at the commencement of the tenancy. This amount had been repaid to the applicant to cover the cost of the repairs. This left an outstanding balance of £1264.
6. Ms Morrison confirmed that the works carried out were in excess of those which would be required as a result of fair wear and tear in the property.
7. Ms Morrison advised that the total amount outstanding was £4093.45 which was one pound more than the amount sought in the application.

Findings in fact

8. The parties entered into a tenancy agreement which commenced on 1st November 2017.
9. The monthly rent due in respect of the tenancy agreement was £850.
10. The tenancy agreement terminated on 10th December 2019.
11. Rent arrears as at 10th December 2019 amounted to £2829.45
12. The applicant incurred costs of £2214 in respect of cleaning and repair costs at the termination of the tenancy.
13. The amount outstanding to the landlord after deduction of the tenancy deposit is £4093.45

Reasons for Decision

14. The Tribunal took into account the contents of the application, the documents lodged in support of the application and the submissions by the applicant's representative at the cmd. The respondent made no appearance and did not oppose the application. The Tribunal was satisfied that the rent account and invoices were genuine. The Tribunal was satisfied that the charges incurred for disrepair were in respect of damage to the property beyond that which would be considered fair wear and tear.

Decision

The Tribunal determined to grant an order for payment in the sum of £4092.45.

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.

M C Kelly

Legal Member/Chair

— 12th October 2020 —
Date