



**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/21/2898

**Re: Property at 28 Carlibar Avenue, Knightswood, Glasgow, G13 4AP (“the
Property”)**

Parties:

**Mrs Fiona Barbour, 4 Lochend Road, Bearsden, Glasgow, G61 1DU (“the
Applicant”)**

**Mr David Philip Matheson, Camelos 26, Villa Benedictos, Javea, 07370, Spain
 (“the Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a
Hearing and made an Order for Payment by the Respondent to the Applicant of
the sum of £2,365.**

Background

By application, received by the Tribunal on 19 November 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant, together with recovery of cost incurred in deep cleaning the Property and disposing of the Respondent’s belongings following the termination of the tenancy. The sum sought was £2,665, being £2,025 unpaid rent, £410 removal costs, including the cost of replacing the door lock, and £230 for cleaning.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 27 May 2021 at a rent of £675 per month, and a Rent Statement showing arrears, following the termination of the tenancy on 27 September 2021, of £2,025. The Applicant also provided the Tribunal with copy Invoices in respect of deep cleaning of the Property (£180), deep cleaning

of the oven (£50), replacement of the top lock on the front door of the Property (£65) and removal of rubbish (£345). The Applicant stated that the Respondent had failed, despite requests to do so, to clean the Property and to clear it of his belongings and had failed to return the keys. As a result, it was necessary to change the lock.

On 14 February 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 7 March 2022. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 26 April. The Applicant was present. The Respondent was not present or represented. The Applicant advised the Tribunal that the deposit of £300 paid by the Respondent at the commencement of the tenancy had been repaid to her, so the amount she was seeking should be reduced to £2,365. The Applicant asked the Tribunal to make the Order without a Hearing.

Reasons for Decision

Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought in respect of unpaid rent had become lawfully due by the Respondent to the Applicant and that the additional sums requested in respect of cleaning and clearing the Property and changing the door lock were reasonable in the circumstances. The Tribunal noted that the Respondent had not sought to dispute the sums claimed.

Decision

The Tribunal determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,365.

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.



Legal Member/Chair

26 April 2022
Date