



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/22/4100

**Property at 20 Kinloch Road, Newton Mearns, Glasgow, G77 6LX (“the
Property”)**

Parties:

Dr Mohammad Hosain, 10 Ashdale Avenue, Bolton, BL3 4PH (“the Applicant”)

Mr Ali Shair, Miss Sibrena Falak, UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Josephine Bonnar (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 of the sum of £8746.00 should
be granted against the Respondents in favour of the Applicant.**

Background

1. The Applicant seeks a payment order in relation to unpaid rent and the cost of re-instating the property at the end of the tenancy. A copy tenancy agreement rent statement, check out report, invoice from MA Heating and Gas, invoices from Sheriff Officers and solicitors and screenshots of online purchases were lodged in support of the application.
2. A copy of the application and supporting documents were served on the Respondents by advertisement on the Tribunal website as their whereabouts are unknown. The parties were advised that a Case Management Discussion (“CMD”) would take place on 14 November 2023 at 2pm by telephone conference call. They were provided with a telephone number and passcode

and advised that they were required to participate.

3. The CMD took place on 14 November 2023 at 2pm. The Applicant participated. The Respondents did not participate and were not represented.

Case Management Discussion

4. Mr Hosain told the Legal Member that he has had no contact from the Respondents, and they have made no payments to the arrears of rent or the costs of re-instating the property.
5. The Legal Member noted that the application and rent statement appeared to include sums which were the subject of a previous order by the Tribunal. Mr Hosain confirmed this to be the case and agreed that the sum of £3200 should be deducted from the sum claimed in relation to rent. He said that he was seeking a payment order for the rent arrears incurred between 19 July 2022 and the tenancy ending on 5 January 2023, the sum of £6658.
6. The Legal Member noted that the Applicant had submitted evidence of the condition of the property at the end of the tenancy together with an invoice for the cost of re-instating it. This included repairs, painting, cleaning, gardening, and removal of rubbish. The invoice from MA Heating and Gas was for £3288. The Applicant had recovered the whole deposit and applied it to these costs. Mr Hosain confirmed that he was seeking a payment order for £2088.
7. In response to questions from the Legal Member regarding the screenshots for online purchases of a mirror, a light fitting and a thermostat, Dr Hosain stated that these items were missing from the property at the end of the tenancy. He could not provide evidence of their value and had simply looked for something similar online. He confirmed that he had not actually purchased the replacement items shown in the screenshots as he had sold the property without doing so. Following discussion, he confirmed that he was not insisting on that part of the claim. The Legal Member also noted that Dr Hosain had included a claim for the cost of legal advice and trace reports, although these did not appear to arise from the tenancy. Dr Hosain indicated that he would also withdraw this aspect of the claim.

Findings in Fact

8. The Applicant is the former owner and landlord of the property.
9. The Respondents were the tenants of the property in terms of a private residential tenancy agreement.
10. The Respondents were due to pay rent at the rate of £1200 per month.

11. The Respondents failed to pay rent for the period 19 July 2022 and the end of the tenancy on 5 January 2023. They owe the sum of £6658 in unpaid rent.
12. The Respondents caused damage to the property and failed to clean it and clear all rubbish from it at the end of the tenancy.
13. The Applicant incurred the sum of £3288 in re-instating the property at the end of the tenancy. The Applicant recovered the deposit of £1200 and applied this to the costs incurred. The Applicant is owed the sum of £2088.

Reasons for Decision

14. From the documents submitted with the application, and the information provided at the CMD, the Tribunal is satisfied that the Respondents owe the sum of £8746 in unpaid rent and re-instatement costs and that the Applicant is entitled to a payment order for this sum.

Decision

15. The Tribunal determines that an order for payment should be granted against the Respondents.

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.

Josephine Bonnar, Legal Member

J. Bonnar

14 November 2023