



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) Scotland Act 2016**

**Chamber Ref: FTS/HPC/CV/23/3899**

**Re: Property at 68 Beechgrove Avenue, Aberdeen, AB15 5EJ (“the Property”)**

**Parties:**

**Mrs Irina Alekseenkova, 1 Oakhill Grange, Aberdeen, AB15 5EA (“the Applicant”)**

**Mr Phillip Robb, 27 Brighton Place, Aberdeen, AB10 6RT (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondent in the sum of £4,570.11**

**Background**

[2] The Applicant seeks a Payment Order in respect of rent arrears, gas charges and the costs of restoring damage caused by the Respondent to the Property under a tenancy between the parties.

[3] The Application is accompanied by a copy of the tenancy agreement, rent statements and evidence showing the damage caused to the Property and invoices for the repairs and vouching of the gas charges.

**Prior Procedure**

[4] The Application had called for a Case Management Discussion (CMD) by conference call on 23 February 2024. The Application had been continued to a Hearing and case management orders made directing the Respondent to set out any written defence to the Application to be relied on. The notes produced by the Tribunal following on from that CMD record the Respondent's conduct during the CMD and the reasons for the various Directions made. The Respondent did not comply with these Directions.

### **Hearing**

[5] The Application then called for a Hearing by conference call at 10 am on 10 June 2024. The Applicant was again represented by Mr Johnston. There was no appearance this time by the Respondent. Intimation of the date and time of the Hearing had been competently effected on the Respondent. The Tribunal also noted the failure to comply with the Directions made. Accordingly, the Tribunal decided to proceed in the absence of the Respondent.

[6] The original claim was for £6,014.11 but the deposit of £1,450.00 has been set against the total losses to reduce the figure to the sum claimed of £4,570.11 The Tribunal noted the detailed third party check-in and check-out reports, which identified the various areas where remedial works were required and the requirement for extensive cleaning to return the property to a lettable standard. Mr Johnston was able to advise the Tribunal on specific elements of the dilapidations and depreciation schedule appended to the check-out report. Having considered all the documentation and having heard from Mr Johnston, the Tribunal made the following findings in fact.

### **Findings in fact**

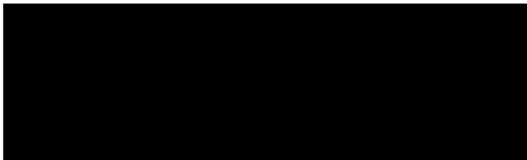
- I. *The Parties entered into a tenancy agreement dated 12 October 2021 in terms of which the Applicant let the Property to the Respondent;*
- II. *The tenant vacated the Property with rent arrears in the sum of £918.34;*
- III. *The Applicant also required to spend the sum of £4,570.11 to make good damage caused to the Property by the Respondent and to reimburse the Applicant for gas costs incurred by the Respondent which required to be settled by the Applicant.*

### **Decision**

[7] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £4,570.11

## **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**

**Date: 10 June 2024**