



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

Chamber Ref: FTS/HPC/CV/24/1389

Re: Property at 2A Wilson Street, Airdrie, ML6 0EE (“the Property”)

Parties:

Mr Giovanni Fionda, 3 Worrall Gardens, Hamilton, ML3 7AY (“the Applicant”)

Miss Kirsty Louise Cairns, 52 Moss Avenue, Caldercruix, ML6 7PH (“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 should be made.

Background

1. The Applicant lodged an application on 25th April 2024 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 16th January 2023 and showing a rent of £525 per month
 - b. Rent Statement showing a balance outstanding on 22nd December 2023 of £2045.80
 - c. Invoice by NWK Cleaning dated 12th January 2024 in the amount of £120
3. The Application was served on the Respondent by Sheriff Officer on 28th May 2024.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant represented himself. The Respondent did not attend and was not represented.
5. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
6. Mr Fionda asked that an order be granted for payment, in the amount of £1640.80. She explained that the Respondent left the property with rent arrears of £2045.80. The Applicant incurred cleaning costs of £120, and was able to reclaim the deposit of £525, leaving a balance due of £1640.80.
7. Mr Fionda also asked for interest and expenses. There was nothing in the tenancy agreement providing for interest or expenses, and the Respondent could not be said to have behaved unreasonably in connection with the application, and so the Tribunal refused the motion.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £525;
- iii. On 22nd December 2023 the Applicant left the property and the rent due was £2045.80;
- iv. The Applicant incurred cleaning costs of £120;
- v. The Applicant recovered the deposit of £525;

Reasons for Decision

8. The Respondent owes rent to the Applicant the sum of £1640.80.

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.

Alison Kelly

01/07/2024

Legal Member/Chair

Date

