



**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/24/0801**

**Re: Property at 10 Glenduffhill Road, Garrowhill, Glasgow, G69 6PD (“the Property”)**

**Parties:**

**Ms Sarah Campbell, 49 Tern Avenue, Horsham, West Sussex, RH12 5AT (“the Applicant”)**

**Miss Melissa Flavell, 1192 Edinburgh Road, Glasgow, G33 4BJ (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £2786.97 (TWO THOUSAND SEVEN HUNDRED AND EIGHTY SIX POUNDS AND NINETY SEVEN PENCE)**

**Background**

1. An application was received by the Housing and Property Chamber dated 19<sup>th</sup> February 2024. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and end of tenancy costs resulting for the Respondent leaving the tenancy.
2. On 12<sup>th</sup> July 2024 all parties were written to with the date for the Case Management Discussion (“CMD”) of 16<sup>th</sup> August 2024 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 2<sup>nd</sup> August 2024.

3. On 15<sup>th</sup> July 2024, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 15<sup>th</sup> July 2024.

#### The Case Management Discussion

4. A CMD was held 16<sup>th</sup> August 2024 at 2pm. The Applicant was present and was represented by Mrs Wendy Gallagher, One Stop Properties. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
5. Mrs Gallagher said that the tenancy ended on 24<sup>th</sup> December 2023. The last communication from the Respondent was when she left the Property. She was asked for a forwarding address which she did not give. Mrs Gallagher said that this was the reason that the sheriff officer trace was required.
6. Mrs Gallagher said that the Property is a three bedroom property which Respondent made no effort to clean prior to leaving the tenancy. There was a wardrobe in the bedroom and rubbish that had to be removed from the garage. The drawers from the freezer part of the fridge freezer were removed. It cost £300 to replace the four drawers. It was less than replacing the whole fridge freezer which would have been cost substantially more. The Property needed to be repainted before it could be relet. The entire painting cost was £1400. The £300 was reflective of wear and tear.
7. The Respondent did not leave a forwarding address so an trace was undertaken by sheriff officers to locate her. This cost £120. The address was needed to close down the electricity account. There was debt left on the utility account. Mrs Gallagher referenced the One Stop Properties handling charge. It is referenced in clause 37 of the lease. Mrs Gallagher said that her firm is not paid if the rent is not paid. In this case, once the deposit was returned to the Applicant, there were arrears on the account of £1616.77. This means that there has been no fee paid to them. As it is in the lease and there have been no objections by the Respondent, the Tribunal was content that this was due by the Respondent along with the rent arrears.
8. The Tribunal was satisfied that the outstanding amount for £2786.97 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

#### Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 20<sup>th</sup> November 2020. The tenancy ended on 24<sup>th</sup> December 2023.
10. The Respondent persistently failed to pay her rent charge of £945 per month. The rent payments are due to be paid on twentieth day of each month.

11. The Applicant incurred costs as a result of the Respondent leaving the tenancy which was beyond expected wear and tear costs.
12. The arrears sought total £2786.97.

### Decision

13. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £2786.97.

### **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.**

# Gabrielle Miller

**16<sup>th</sup> August 2024**

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**Legal Member/Chair**

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**Date**