



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/23/3825

Re: Property at 3C Bute Avenue, Renfrew, PA4 0DR (“the Property”)

Parties:

Mr Stuart Harris, 43 Piper Avenue, Houston, Johnstone, PA6 7LL (“the Applicant”)

Mr David Rae, 70 Sun Gardens, Stockton-On-Tees, TS17 6PR (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicant the sum of Four Hundred and Thirty Three Pounds and Seventy One Pence (£433.71)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff Officers on 5 April 2024

The CMD took place by teleconference on 3 October 2024 at 2.00 pm. The applicant joined the hearing and represented his own interests. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 3C Bute Avenue, Renfrew PA4 0DR. The applicant is Mr Stuart Harris who is the heritable proprietor and registered landlord. The respondent is Mr David Rae who is the former tenant.

The parties entered into a private residential tenancy which commenced on 11 April 2021. The rent was stipulated at £570 per month. A deposit in the sum of £700 was made. The respondent vacated the property on 23 August 2023.

The Appellant has provided a statement which discloses that as of the date of the respondent vacating the property the sum of £961.01 remained outstanding. The £700 paid by the respondent by way of deposit at the commencement of the tenancy was recovered and, therefore, the arrears sought to be claimed in this application process are reduced to £261.01.

The additional sums sought by the applicant are comprised of the following:

- Bath repair - £80
- New key fobs - £172.70

There is no evidence that the bath repair was necessary due to acts or omissions of the respondent. It is just as likely that the repair was required due to fair wear and tear.

The key fobs were provided to the respondent at the commencement of the tenancy. They were not returned at the end of the tenancy. The replacements required to be obtained.

The applicant is entitled to recover arrears of rent and other costs under and in terms of the lease. The total is £433.71, comprised of the rent arrears of £261.01 and the fob replacement costs of £172.70. A payment order for this sum is necessary. The respondent has not opposed the application and has made no time to pay application.

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.

Richard Mill

3 October 2024

Legal Member/Chair

Date

