



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/24/0596

Re: Property at 21 Myres Road, Pollock, Glasgow, G53 5HY (“the Property”)

Parties:

**Miss Alison Balfour, Flat 1/1, 50 Norham Street, Shawlands, Glasgow, G41 3XH
 (“the Applicant”)**

**Mrs Lesley McGuire-Kerr, 19 Myres Road, Pollock, Glasgow, G53 5HY (“the
 Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
 Tribunal”) determined to make an order for payment in the sum of One
 thousand nine hundred and eighty five pounds and one pence (£1985.01)
 against the Respondent in favour of the Applicant**

Background

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent in respect of unpaid rent and damages. In support of the application the Applicant provided a copy of the tenancy agreement, deposit information, and copy invoices and receipts.
- 2 By Notice of Acceptance of Application dated 2 November 2023 a Legal Member of the Tribunal with delegated powers from the Chamber President confirmed that there were no grounds upon which to reject the application. The application was therefore referred to a Case Management Discussion (“CMD”). Notification of the application and CMD was served upon the Respondent by Sheriff Officers in accordance with Rule 17(2) of the First-tier Tribunal for

Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”).

Case Management Discussion (“CMD”)

- 3 The CMD took place by teleconference on 25 October 2024. The Applicant was in attendance. The Respondent was not present. The Tribunal noted that she had been given notification of the CMD under Rule 17(2) of the Rules and therefore determined to proceed in her absence.
- 4 The Tribunal explained the purpose of the CMD and asked the Applicant to make submissions regarding the application. The Applicant confirmed that she sought a payment order in the sum of £1985.01, being rent arrears of £1700.81 and damages of £285. The Respondent had stated that she would pay these costs upon leaving the property, however she had not done so and there had been no further contact from her. The Respondent had failed to maintain the property in a good condition which had resulted in the Applicant carrying out maintenance to bring it back up to a reasonable standard.

Findings in Fact

- 5 The Applicant and Respondent entered into a tenancy agreement in respect of the Property which commenced on 25 August 2017.
- 6 In terms of Clause 3 of the said tenancy agreement the Respondent undertook to make payment of rent at the rate of £525 per month.
- 7 The tenancy between the parties terminated on or around 13 May 2023.
- 8 As at the date of termination rent arrears in the sum of £2375.81 were outstanding.
- 9 The Applicant received the tenancy deposit of £675 from the Letting Protection Service Scotland on or around 5 July 2023. The deposit was paid towards the rent arrears.
- 10 The rent arrears that fall due to be paid to the Respondent under the terms of the tenancy agreement are £1700.81.
- 11 In terms of Clause 7.2.1 of the said tenancy agreement the Respondent undertook to keep the property in good repair and condition throughout the term of the tenancy. Furthermore in terms of Clause 7.2.3 the Respondent undertook to be liable for the costs involved in carrying out repairs and maintenance where such action was required as a result of negligence or significant breach of the tenancy agreement or misuse by the Respondent or her invited guests or visitors.

- 12 Following the termination of the tenancy the Applicant required to carry out maintenance to the property. The said maintenance can be attributed to the Respondent's negligence.
- 13 In particular the Applicant required to remove items from the property that had been left by the Respondent, remove rubbish, and carry out cleaning.
- 14 The Applicant incurred costs in the sum of £285 in respect of said maintenance.
- 15 The total sum due by the Respondent under the terms of the tenancy agreement is £1985.01.
- 16 Despite request the Respondent has refused or delayed in making payment of the sum due.

Reasons for Decision

- 17 The Tribunal reached a decision on the application taking into account the application paperwork, the written representations from the parties and the verbal submissions at the CMD. The Tribunal was satisfied that it could make a decision based on the information before it and that it would not be prejudicial to the parties to do so. The Respondent had been given proper notification of the CMD in accordance with the Rules and had failed to make written representations, or attend the CMD.
- 18 The Tribunal accepted that the Respondent was obliged to pay rent under the terms of the tenancy agreement and had breached that obligation, resulting in rent arrears of £1700.01 as at the date of termination of the tenancy, and following the repayment of the deposit to the Applicant. The Tribunal further accepted that the Respondent had failed to maintain the property in a good condition, resulting in the Applicant incurring costs to remedy this. The Respondent had not submitted any evidence to dispute the terms of the application and the Tribunal therefore had no reason to doubt the Applicant who had provided supporting evidence to vouch for the sum claimed.
- 19 The Tribunal therefore made an order for payment in the sum of £1985.01 against the Respondent.

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.

R O'Hare

25 October 2024

Legal Member/Chair

Date