



**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/24/2897**

**Re: Property at 87 Rennie Road, Kilsyth, Glasgow, G65 9PF (“the Property”)**

**Parties:**

**Mr William Gardiner, 17 Beaumont Drive, Carron, Falkirk, FK2 8SN (“the Applicant”)**

**Mr Craig Watt, present whereabouts unknown (“the Respondent”)**

**Tribunal Members: Richard Mill (Legal)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order be granted against the Respondent in the sum of Five Thousand One Hundred and Fifty Pounds (£5,150)**

**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’) failed to take place by Sheriff Officers. Service by advertisement on the Chamber website has taken place with a certificate being produced which confirms this. There has been lawful service upon the Respondent.

The CMD took place by teleconference on 21 November 2024. The applicant was represented by Mr Jay Lawson of MML Law. The respondent failed to participate in the hearing.

## Findings and Reasons

The property is 87 Rennie Road, Kilsyth, Glasgow G65 9PF. The applicant is Mr William Gardiner who is the heritable proprietor and registered landlord. The respondent is Mr Craig Watt who is the former tenant. The parties entered into a private residential tenancy which commenced on 27 January 2022. The rent was agreed at £450 per month.

Throughout the duration of the tenancy the respondent fell into arrears of the contractual rental payments. The tenant vacated the let property in or about June 2024. A parallel eviction application has now been withdrawn.

The amount sought at the time of application was £4,400 which represented the level of outstanding rent arrears at that time.

The application is supported by a detailed account statement disclosing the sums of rent which fell due and the monies received. The tribunal found this unchallenged documentary evidence credible and reliable and attached weight to it.

An amendment application was made on 26 July 2024 which increased the sum sought to a new total of £5,600 to represent additional costs incurred by the applicant. The property was left in an uninhabitable condition. This is evidenced by a series of photographs which show rubbish and other items remaining within the property. The property was in a filthy and unhygienic condition and the carpets required to be disposed of.

The rent arrears of £4,400 together with the additional costs of a deep clean in the sum of £1,200 (£1,000 + VAT) totals £5,600, which the applicant seeks to recover. The tenancy deposit paid by the respondent in the sum of £450 and which is in the process of being recovered requires to be deducted from this total which entitles the applicant to a reduced total sum of £5,150.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The respondent has failed to make payment and has made no proposals for payment. A payment order 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**

**Legal Member/Chair**

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**21 November 2024**

**Date**

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