

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/CV/24/4785

Re: Property at 7 Burns Road, Aberdeen, AB15 4NT (“the Property”)

Parties:

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Mr Jonathan Price, Mrs Lesley-Anne Price, 11923 Arcadia Bend Lane, Houston, Texas, United States (“the Applicant”)

Mr Mokhtar Medaffar, 80 Countesswells Road, Aberdeen, AB15 7YL (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

1. Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicants of the sum of seventeen thousand nine hundred and fifty five pounds and forty six pence (£17,955,46).

2. The Tribunal also made an order for the Applicants to provide redacted bank statements so that they can be sent to the Respondent.

Background

3. This was an application to recover rent arrears and other losses in terms of section 71 of the Private Housing (Tenancies) (Scotland) Act 2014 (‘the Act’) and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’. The case called for a CMD by conference

call on 11 June 2025. The Applicants participated and represented themselves. The Respondent did not participate and was not represented. The Tribunal had sight of the execution of service by Sheriff Officers and were satisfied that the Respondent had received notification of the Case Management Discussion in terms of rule 24. The Tribunal proceeded with the CMD in terms of rule 29 and in accordance with the overriding objective.

Preliminary matters

4. The Applicants had provided numerous documents in support of their application, including a detailed check out report from Source Property Services dated 1 December 2023. Source Property Services had also prepared a check in report but this had not been provided to the Tribunal. The Applicants had also provided a quotation from Kevin Morrison Painter and Decorator for £21,004.13. The date of this report was partly obscured but appeared to be from May 2024. The Tribunal adjourned for a short time to enable the Applicants to provide the check in report and evidence that the invoice from Kevin Morrison Painter and Decorator had been paid.

Case management discussion

4. The Applicants rented the property to the Respondent 15 October 2021 until 27 November 2023. The property is a 5 bedroomed semi detached house with three public rooms, study, kitchen, utility, bathroom and WC. The Respondent rented the property to use as a family home. There were 7 people living in the property although the Respondent told the letting agent there would be 5 people residing in it. The Respondent failed to allow the Applicants' agent access to the property on several occasions and only two inspections were carried out during the tenancy. The Respondent left the property in a very poor condition. Every room had damage to the fittings and fixtures and numerous changes had been made without permission. The Applicants have based their claim on the check out report and they have not claimed for the additional losses such as damage to furniture and loss of rental income of around £14,000. The Applicants are seeking £17,879.38 to reinstate the property, less the deposit of £1600. They have allowed for fair wear and tear in their calculations as the quote from Kevin Morrison was for £21,004.13. The Applicants are also seeking rent arrears of £3100 as set out in the rent statement.

5. The Applicants provided the following additional documents to the Tribunal:

- Check in report by Source Property Services dated 6 October 2021.
- Unredacted banks statements.
- Email from Kevin Morrison dated 11 June 2025.

The Applicants explained that they had provided unredacted bank statements due to pressure of time. They wanted the Tribunal to make a final decision today rather than adjourning to another date. The bank statements showed the following payments made to 'K Coleman'. They had provided an email from Kevin Morrison Painter and Decorator who confirmed that the payments were made to K Coleman at his request.

6. Findings in fact

- The Applicants are the registered landlords and owners of the property. .
- The parties entered into a private residential tenancy agreement ('PRT') for let of the Property on 15 October 2021.
- The tenancy agreement had an agreed rent of £1600 per month.
- The deposit was £1600 and this was applied to replacing the carpets in the property.
- The Respondent left the Property on 27 November 2023.
- The rent arrears accrued to 27 November 2023 were £3100.
- The Property was left in a poor state with damage to the walls, woodwork, fittings and fixtures of every room.
- The property was dirty and the garden was neglected and untidy.
- The Applicants incurred the sum of £14,855.46 to reinstate the property, allowing for fair wear and tear.

Reasons

6. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure has been fair. This was an undefended application to recover rent arrears and damages arising out of a PRT as set out in the rent statement provided. There were rent arrears of £3100. The Applicants had provided the check in and check out reports including detailed photographs, which showed extensive damage to the property. The bank statements confirmed that the sum of £14,855.46 had been paid in respect of plumbing, joinery and decorating work to reinstate the property. The Applicants also paid the sum of £3692 to 'Jackie Leslie' on 29 January 2024 in respect of carpets. As this sum was not included in the application the Tribunal was not minded to grant an order for this sum but left the deposit to be used towards this sum.

7. The Tribunal was satisfied on the balance of probability that the sum of £17955.46 was due. The Tribunal accordingly granted an order for this sum.

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.

L.Ward

11 June 2025

Legal Member/Chair

Date