



**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/25/3036**

**Re: Property at 18 Morgan Street, Hamilton, ML3 6RJ (“the Property”)**

**Parties:**

**Hemmings Homes Estate & Letting Agents, 376 Brandon Street, Motherwell, ML1 2RY (“the Applicant”)**

**Mr Craig Hawkes, 44 Coatshill Avenue, Blantyre, G72 9LE (“the Respondent”)**

**Tribunal Members:**

**Hilary MacAndrew (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be decided without a hearing and issued an order for payment in the sum of Four Thousand Five Hundred and Sixty Three pounds and Ninety Pence (£4,563.90)**

**1) Background**

1.1 The Applicant is seeking a Civil Order for payment in respect of the following

- (a) Rent arrears of £4,338.90
- (b) Cleaning bill of £225.00
- (c) Locksmith bill of £90 in relation to the implementation of the Eviction Order.
- (d) Sheriff officers bill of £323.04 for execution of Eviction Order.

together with interest at the rate of 8% per annum.

1.1.1 The tenancy started on 1 June 2023. The rent was £650 per month. The tenancy ended on 26 September 2024.

- 1.2 The Applicant was granted an order for eviction which was duly implemented. In this application the Applicant is seeking payment of the following:-
- (e) Rent arrears of £4,338.90
  - (f) Cleaning bill of £225.00
  - (g) Locksmith bill of £90 in relation to the implementation of the Eviction Order.
  - (h) Sheriff officers bill of £323.04 for execution of Eviction Order.
- 1.2 The application to the Tribunal was made on 14<sup>th</sup> November 2024 and was accepted for determination by the Tribunal on 1 August 2025.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by recorded delivery post on 14<sup>th</sup> May 2026.
- 1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-
- Private residential tenancy agreement
  - Statement of Rent Arrears
  - Proof of Deposit Status
  - Invoice from Sparclean Property Maintenance - 390
  - Invoice from Cleanfreakz - £225
  - Invoice from James S Orr, Sheriff Officers - arranging and executing ejection - £181.45
  - Invoice from James S Orr, Sheriff Officers – serving charge for removing £141.59

## **2) The Case Management Discussion**

- 2.1 The CMD took place by tele conference on 9<sup>th</sup> June 2026 at 10am. The Applicant was represented by Miss Suzie Hemphill. The Respondent did not take part. The start of the CMD was delayed to allow the Respondent to attend. The Respondent did not attend.
- 2.2 A previous CMD had taken place on 21<sup>st</sup> January 2026. Neither Party attended and the application was dismissed. The case was subsequently recalled by virtue of an order of 28<sup>th</sup> January 2026.
- 2.3 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

### **3) Reason for Decision**

- 3.1 The Tribunal was satisfied from the statement of rent arrears that the sum of £4,338.90 was due to be paid by the Respondent. It was noted that the deposit had been returned in full to the Applicant but that there had been a shortfall between the rent at eviction and the rent arrears sought and therefore the arrears claimed in the application were correct.
- 3.2 The Tribunal was satisfied that the invoice in respect of cleaning in the sum of £225 was a reasonable expense incurred by the Applicant for which the Respondent was contractually bound to pay in terms of the lease.
- 3.3 The Tribunal did not accept that the expenses incurred to the sheriff officers and locksmith in consequence of the earlier eviction were relevant costs which could be claimed and ordered to be paid by the Tribunal nor was the Respondent contractually bound to meet these payments in terms of the lease.

### **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.**

**Hilary MacAndrew**

**09<sup>th</sup> June 2026**

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**Legal Member/Chair**

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**Date**