



**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/19/0181

**Re: Property at 12 Sweethill Terrace, Carnbroe, Coatbridge, ML5 4ST (“the
Property”)**

Parties:

**Mr Manvir Singh, C/O Jewel Homes, Atrium Business Centre, North Caldeen
Road, Coatbridge, ML5 4EF (“the Applicant”)**

**Mr Christopher MacLaren, , formerly residing at 12 Sweethill Terrace,
Carnbroe, Coatbridge, ML5 4ST and whose current whereabouts are unknown
 (“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 the Respondent requires to pay the Applicant the
Sum of One Thousand Four Hundred and Ninety Six Pounds and Forty Five
Pence (£1,496.45).**

Background

**The parties are the landlord and former tenant respectively in terms of a lease
entered into in respect of the property 12 Sweethill Terrace, Carnbroe,
Coatbridge ML5 4EF.**

**The short assured tenancy commenced on 13 December 2016 with rent
payable at the rate of £400 per calendar month.**

**The whereabouts of the Respondent are unknown and service has been
effected by advertisement.**

The Respondent moved out of the property on or before 13 August 2018.

The Applicant seeks an Order for Payment under 3 heads of claim.

- 1. Arrears of rent in the sum of £1,406.45**
- 2. Damages in the sum of £1,125**
- 3. Recovery of a trace fee in the sum of £75.**

The Hearing

There was no appearance by or on behalf of the Respondent. The Applicant was represented by Miss Vicky Maguire of Jewel Homes.

Facts and Reasons

The arrears of rent claimed is vouched clearly in terms of a rental statement. As at the time of the Respondent's departure there was £1, 406.25 rent arrears which were lawfully due in terms of the lease agreement between the parties.

The damages claim is comprised of a number of separate charges which are said to have been incurred by the Applicant.

A claim is made for cleaning and removal of rubbish. There is an invoice from aid to Clean in the sum of £90. This seems reasonable and is supported by photographic evidence.

There are 2 invoices from RC Property Care. Neither narrative suggests the charges in the sums of £160 and £330 respectively have been reasonably incurred and that the Respondent is liable to pay for such expense. 1 of the invoices simply states "empty 2 loads". The other refers to the removal of 2 old sheds and a big tree from the garden. There is no apparent liability on the part of the Respondent for these charges. Miss Maguire did not insist upon this head of claim.

There are 2 further handwritten invoices. They purport to come from 2 different companies / suppliers yet are presented on the same type of invoice paper. They are both handwritten and appear to be written in the same handwriting. Their terms raise suspicions regarding their authenticity. No weight can be attached to this documentary evidence. 1 is for the supply of a washing machine in the sum of £95. There is no specification as to what happened to the existing washing machine. The other charge is for the apparent decoration of the property in the sum of £450. No credible supporting evidence was supplied in support of the claim to have needed to completely redecorate the property as claimed. Miss Maguire did not insist upon this head of claim.

The claim for the recovery of the trace fee is not founded upon any contractual obligation arising from the terms of the lease. It is a reasonably anticipated and common administrative outlay which a commercial landlord can expect to

incur in the course of running a business which is tax deductible. Miss Maguire did not insist upon this head of claim.

In the circumstances an Order for Payment was made in the total restricted sum of £1,496.45 being the rent arrears and the £90 incurred for cleaning and removal of rubbish. This was the sum actually sought on behalf of the Applicant after discussion at the hearing with Miss Maguire.

Decision

The Respondent requires to pay the Applicant the Sum of One Thousand Four Hundred and Ninety Six Pounds and Forty Five Pence (£1,496.45).

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. Mill

Legal Member/Chair

28 June 2019

Date