



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.**

**Chamber Ref: FTS/HPC/CV/20/1438**

**Re: Property at 5A St Anne's Wynd, Erskine, Renfrewshire, PA8 7DS (“the Property”)**

**Parties:**

**Miss Alison Hughes, 15 Barmore Drive, Bishopton, Renfrewshire, PA7 5QW (“the Applicant”)**

**Miss Christina aka Tina McDonald, 50 Rashieburn, Erskine, Renfrewshire, PA8 6DU (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):**

**Sum of ONE THOUSAND ONE HUNDRED AND NINETY FIVE POUNDS (£1195) STERLING**

- Background
1. An application dated 30 June 2020 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement, as well as recovery of costs incurred for redecoration and cleaning.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 15 October 2020 by tele-conference. The CMD had originally been scheduled for 27 August 2020 and was postponed following a postponement request submitted by the Respondent by email of 24 August 2020, to allow her to attend. The Applicant did not appear at the rescheduled CMD, nor was she represented. The application and CMD date, together with dial-in instructions, had been intimated on the Respondent by way of letter and email of 15 September. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
3. The Applicant moved for the order for payment to be granted in the sum of £1,195. The parties had entered into a Private Residential Tenancy Agreement, which ended on 20 March 2020. The Respondent had failed to make payment of rent and at the termination of the tenancy had fallen into arrears amounting to £770. Further, at termination of tenancy the property was not left in a clean and tidy condition, and there was damage to the paintwork throughout which required redecoration works to be carried out, at a cost of £425. Receipts for the redecoration and cleaning costs incurred were produced.

- Findings in Fact

4. The Tribunal made the following findings in fact:
  - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 30 April 2019 and ended on 20 March 2020;
  - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £450 to the Applicant;
  - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £770.
  - (iv) In terms of Clause 17 of the Agreement the Respondent agreed to take reasonable care of the Property and which included an obligation to keep the Property clean.
  - (v) The Applicant incurred costs of £425 in redecoration and cleaning costs at the end of the tenancy, due to the Respondent’s failure to adhere to the terms of Clause 17.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £450 per month under Clause 8 of the Agreement and had failed to do so. She had accrued arrears amounting to £770 and which fell lawfully due to be repaid to the Applicant. Further, the Respondent failed to adhere to their obligations under Clause 17 of the Agreement which resulted in the Applicant incurring costs of £425 to carry out redecoration and cleaning costs, for which the Respondent is liable.
6. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND ONE HUNDRED AND NINETY FIVE POUNDS  
(£1195) STERLING

### **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.**

Fiona Watson

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**Legal Member/Chair**

**15 October 2020**  
**Date**