



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014.

Chamber Ref: FTS/HPC/CV/18/1571

Re: Property at 1/2 5 Clifford Place, Ibrox, Glasgow, G51 1NS (“the Property”)

Parties:

Mr Alistair Ross, 14 Onslow Drive, Glasgow, G31 2LX (“the Applicant”)

Mr Michael Joseph Robertson, Flat 2/8, 55 Mitchell Street, Glasgow, G1 3LN (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

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 applicant of the sum of nineteen hundred and one pounds (£1901).

This was the second calling of a case management discussion ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’, and s16 of the Housing (Scotland) Act 2014, ‘the Act’ in respect of rent arrears and other sums relating to the property at 1/2 5 Clifford Place Ibrox Glasgow G51 1NS.

The application was made by Mr Alistair Ross on the 22 June 2018.

The tribunal had before it the following copy documents:

1. Application dated 21 June 2018 and received by the Tribunal on 22 June 2018.
2. Document headed ‘summary of the events of Michael Robertson tenancy’.
3. Tenancy agreement.
4. Rent statement.

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5. Copies of email text messages and whatsapp messages between applicant and respondent and respondent and the letting agent.
6. Inventory for the property.
7. Photographs.
8. Invoice for £80.

The applicant attended the hearing. The respondent did not attend and was not represented. The tribunal had sight of the execution of service of today's CMD by sheriff officer on 6 December 2018. Service was effected personally and the tribunal was satisfied that the respondent had received appropriate notice in terms of rule 24. The Tribunal administration had not received any communication from the respondent regarding his attendance. The CMD on 29 November 2018 was adjourned to today's date because the respondent was in hospital. The CMD note stated that it was expected that the respondent would lodge a medical certificate with the tribunal but no medical certificate has been lodged. The tribunal proceeded with the CMD in terms of rule 29.

Case management discussion.

The tribunal proceeded with the CMD. The applicant confirmed that he was the owner of the property for the duration of the tenancy agreement with the respondent although he has now sold the property. He made submissions in connection with the rent arrears. Page 3 of the rent statement gives details of the rent arrears and how they are calculated. The applicant stated that rent arrears of £2571 have accrued. The respondent left the property around the 19 May 2018 and accordingly he made an apportionment of the arrears for that month. The applicant had allocated the deposit of £750 towards the rent arrears. The outstanding amount due of £1936 was made up of rent arrears of £1821 and £115 for cleaning and emptying the flat.

His position was that he incurred the sum of £115 in clearing the flat of rubbish and belonging left by the respondent including a desk. He made reference to the photographs lodged and the invoice for £80 from Neil Kennedy. He accepted that the invoice from Neil Kennedy was undated. He accepted he had no vouching for the remaining £35 claimed. His position this was a charge he made for cleaning the flat himself.

Findings in fact

The tribunal finds in fact that:

1. The applicant entered into a tenancy agreement with the respondent on 23 September 2016 for the let of the property at 1/2 5 Clifford Place Ibrox Glasgow.
2. The rental agreed was £560 per month.

3. Rent arrears accrued between January 2018 and May 2018 in the sum of £2571.
4. The applicant incurred the cost of £80 in clearing the property after the respondent left.
5. The total sum due to the applicant in respect of rent arrears and clearing costs after deduction of the deposit of £750 is £1901.

Reasons

LW This was an undefended application. The applicant has provided vouching for the sum of £1901 made up of rent arrears of £1821 and £80 for clearing the flat after the respondent's departure. The sum sought in the application was £1936 and the tribunal granted an order for £1901.

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.

Lesley Ward

4 January 2018.

Lesley A Ward Legal Member

Date