



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/23/0515

Property : 2 Linden House, Airdrie ML6 OHD (“Property”)

Parties:

Rev. Andrew Quigley, 340 Garden Glen, Nepean, Ottawa K2G 1E4, Canada (“Applicant”)

Igloo Estate Agents, 2 Gateside Street, Hamilton, South Lanarkshire ML3 7JG (“Applicant’s Representative”)

Courtland Mitchell, 46 Cardell Crescent, Chapelhall, Airdrie, North Lanarkshire ML6 8UJ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that that an order for payment of £1940 should be granted.

Background

The Applicant sought an order for payment of £1940. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy Agreement dated 11 August 2021; a statement of rent arrears as at 6 February 2023; an invoice from Kelly’s Cleaning Services dated 21 June 2022 for £75; invoice from First Class Locks dated 2 June 2022 for new lock and key for store cupboard in the amount of £90.00 and invoice from First Class Locks dated 12 May 2022 for new lock and keys for the Property in the amount of £95.00. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 18 May 2023.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 19 June 2023 by teleconference. Donna Marie Stewart of the Applicant’s Representative was in attendance there was no appearance by the Respondent. Ms Stewart told the Tribunal that the Respondent incurred rent arrears for the period February 2022 to May 2022. She said that the Respondent did not return the keys for the Property, the main door or the storage cupboard. These all had to be replaced. She said that the Property also required to be cleaned after the Respondent vacated.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 11 August 2021 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £560 per calendar month.
3. The Respondent has failed to pay the rent for the period 11 February 2022 to 11 May 2022.
4. The deposit of £560 was applied to the rent arrears leaving a balance due of £1680.
5. The Applicant incurred costs totalling £185 to replace the locks at the Property following termination of the tenancy.
6. The Applicant incurred costs of £75 to have the Property cleaned following termination of the tenancy.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £560 per month. The Respondent had failed to pay the rent for the period 11 February 2022 to 11 May 2022. The deposit of £560 was applied to the rent arrears leaving a balance of rent due of £1680.

In terms of section 17 of the Tenancy agreement the Respondent was obliged to take reasonable care of the Property. In terms of section 25 of the Tenancy agreement the Respondent was obliged to replace or pay to the Applicant the cost of replacing any contents that were removed during the tenancy.

It was necessary for the Applicant to change the locks at the Property following termination of the tenancy. The Applicant incurred costs totalling £185 to replace the

locks at the Property. It was necessary for the Applicant to have the Property cleaned following termination of the tenancy. The Applicant incurred costs of £75 for cleaning.

Decision

The Tribunal grants an order for payment of £1940.

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.



**Joan Devine
Legal Member**

Date : 19 June 2023