

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/2654**

**Re: Property at 66 Balfour Court, Kilmarnock, KA3 7TE (“the Property”)**

**Parties:**

**Mr Peter Murphy, 46 Tullybrone Road, Tassagh, Armagh, BT60 2AM, Ireland  
 (“the Applicant”)**

**Miss Tracy Smith, 38 Morris Crescent, Hurlford, Kilmarnock, KA1 5BJ (“the  
 Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
 Tribunal”) determined that an order for payment in the amount of £3463.92  
 should be made.**

**Background**

On 23<sup>rd</sup> August 2019 the Applicant’s Agent lodged an application under Rule 70 of  
 the Tribunal’s Procedural Rules, seeking an order for payment of rent arrears.

Lodged with the Application were:

1. Copy Short Assured Tenancy Agreement
2. AT5
3. Rental Statement
4. Final Inspection report
5. Invoice from Murphy Scoular in the amount of £250 for deep cleaning
6. Invoice from Murphy Scoular in the amount of £460 for clearing the property  
 and changing the locks

## Case Management Discussion

The Applicant was represented by Mrs Weir and Miss Ross of Murphy Scoular Estate Agents. The Respondent did not appear, and was not represented.

Mrs Weir sought an order for payment in two parts: the amount of £3203.92 by way of rent arrears, in accordance with the Rent Ledger already produced, and the amount £260, being the amounts of £460 to clear the property and change the locks to the front and rear door, and the amount of £250 for deep clean of bathroom and kitchen and all carpets within the property, less the sum of £450 bring the deposit recovered from the tenancy deposit scheme. The total sum sought was £3463.92

Miss Ross remarked that the Application had been made against Tracy Smith and Shaun Brown, as joint tenants. However she had noticed that the case ran against Tracy Smith only. The Chairperson noted that the application had been correctly raised by the Applicant's Agents. The action had only been served on Tracy Smith. The Agents were given the option of having an order for payment against Tracy Smith only, or having the case continued for amendment and service on Shaun Brown. They opted to have an order granted against Miss Smith only.

## Findings In Fact

1. The parties entered in to a Tenancy Agreement in respect of the property;
2. The rent was £450 per month;
3. The rent arrears outstanding are £3203.92;
4. The Applicant incurred the sum of £730 to clean and clear the property;
5. The Applicant received £450 by way of return of the deposit.

## Reasons For Decision

The total sum outstanding is £3463.92.

## 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.

  
Legal Member/Chair

18/11/19  
Date