



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/23/1462

Property: 6 St Martins Gate, Coatbridge ML5 5FB (“Property”)

Parties:

Karen Flynn, 200 Wendover Road, Weston Turville, Aylesbury, Bucks HP22 5TG (“Applicant”)

Martin Campbell and Danielle Couse, 11 Brownhill Avenue, Coatbridge ML5 5JF (“Respondent”)

**Tribunal Members:
Joan Devine (Legal Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £1680 Should be made.

Background

The Applicant sought an order for payment of £1675. The Applicant had lodged Form F along with the following supporting documentation:

1. a Tenancy Agreement dated 1 February 2018 which commenced on 1 March 2018 (“Tenancy Agreement”)
2. copy bank statements for the period 7 March 2022 to 13 April 2023
3. copy emails between the Parties
4. photographs of the Property
5. email from Paul Fox Properties dated 12 May 2023 confirming payment of £295 for cleaning services and £100 for waste disposal
6. landlord statement from Your Move dated 3 November 2022

The Application was served on the Respondent on 14 August 2023.

Case Management Discussion

A case management discussion (“CMD”) took place before the Tribunal on 12 September 2023. The Applicant was in attendance. There was no appearance by the Respondent.

The Applicant told the Tribunal that the Respondent had vacated the Property on 2 March 2023. She said that the Respondents had left a number of pots full of oil and a deep fat fryer. She said that rubbish required to be removed and an end of tenancy clean undertaken. The cost of these was £100 and £295 respectively as shown in the email dated 12 May 2023 from Paul Fox Properties.

As regards the rent arrears, the Applicant said that she stopped using Countrywide as letting agents in October 2022. At that time the arrears were £200. She said she reduced the rent to £560 to assist the Respondent but, aside from a payment of £560 on 25 November 2022, they did not pay the rent due on 1 November and December 2022 or 1 January and February 2023. This brought the arrears to £1880.

The tribunal noted that the arrears of rent plus the cost of rubbish removal and cleaning totalled £2275. The Applicant said she had applied the deposit of £595 to that which reduced the balance due to £1680.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 1 February 2018 which commenced on 1 March 2018
2. In terms of the Tenancy Agreement the rent was £595 per calendar month payable in advance.
3. The Parties agreed to reduce the rent to £560 per calendar month from 1 November 2022.
4. The Tenancy Agreement terminated on 2 March 2023.
5. The rent was unpaid in full for the period 1 October 2022 to 1 February 2023.
6. The Property required to be cleaned at the end of the tenancy at a cost to the Applicant of £295.
7. Rubbish required to be disposed of at the end of the tenancy at a cost to the Applicant of £100.

Findings in Fact and Law

The Tribunal made the following findings in fact and law:

1. The Respondent did not comply with the obligation in the Tenancy Agreement to take reasonable care of the Property.

Reasons for the Decision

The Tenancy Agreement sets out the contractual relationship between the Parties. In terms of section 17 the tenant agrees to take reasonable care of the let property.

The information provided by the Applicant indicated that the Respondent did not comply with the obligation to take reasonable care of the Property. The Applicant incurred costs as a result totalling £395. At the end of the tenancy the rent arrears were £1880. The deposit of £595 was deducted from the sums claimed leaving a balance due of £1680.

Decision

The Tribunal grants an order for payment of £1680.

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: 12 September 2023