



**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/22/2066**

**Re: Property at 19C Afton Road, Stevenston, KA20 3HA (“the Property”)**

**Parties:**

**Europe & Jersey Estates Ltd, 30 East Main Street, Darvel, KA17 0HP (“the Applicant”)**

**Mr David Alan Malone, 3 Ellisland Drive, Blantyre, Glasgow, G72 9TX (“the Respondent”)**

**Tribunal Members:**

**Jim Bauld (Legal Member)**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of ONE THOUSAND , SEVEN HUNDRED AND FORTY FIVE POUNDS AND SIXTY FOUR PENCE (£1.745.64)

**Background**

1. By application dated 28 June 2022, the applicant sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

2. On 21 July 2022, the application was accepted by the Tribunal and referred for determination by the tribunal

### **The Case Management Discussion**

3. The Case Management Discussion (CMD) took place on 30 September 2022 via telephone case conference. The applicant was represented by Mr Kenneth Johnstone, one of their directors. The Respondent did not attend and was not represented
4. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the documents lodged in support of it. The applicant's representative confirmed that he wished the tribunal to grant the order sought in the application

### **Findings in fact and law**

5. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 26 November 2021
6. The tenancy was a private residential tenancy in terms of the Act
7. The agreed monthly rental was £350
8. The tenancy had ended on 15 June 2022
9. Rent arrears had accrued at the end of tenancy amounting to £591.64
10. The applicant had incurred further costs after the conclusion of the tenancy. These costs included the removal of furniture from the property and, the cleaning of the property (£98), plumbing repairs (£144), electrical repairs (£117), payments to top up the utility supplies of electricity (£25), replacement of the front door (£350) and redecoration (£420). These further costs amounted in total to £1,154.
11. Appropriate accounting had been provided for all sums claimed with the application to the tribunal and an invoice for the total amount of £1745.64 had been sent to the respondent on 28 June 2022
12. The respondent is accordingly liable to pay to the applicant the sum of £1745.64 in respect of rent arrears and sundry costs

## **Reasons for Decision**

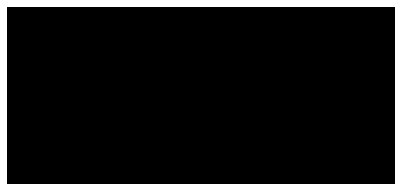
13. The tribunal accepted the unchallenged evidence, both oral and documentary, of the applicant regarding the outstanding sums. The tribunal noted that the respondent had failed to engage with the applicant after the conclusion of the tenancy. The respondent had also failed to fully engage with the tribunal despite having ample opportunity to do so. The tribunal was satisfied that the various cleaning and repair works were required owing to damage or neglect caused by the tenant during his occupation
14. The tribunal also determined that a final decision could be made on this matter at the case management discussion without referring the matter to a full hearing. The tribunal accordingly exercises the power contained within rule 17(4) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The tribunal are satisfied that all parties were given reasonable notice of the date, time and place of the case management discussion and were given ample opportunity to provide supporting evidence in respect of any assertions made.
15. The tribunal accordingly determined that it was not necessary to fix a full hearing and that the matter could be decided at the case management discussion

## **16. Decision**

17. The order for payment of the sum of £1745.64 is granted

## **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.**



**James Bauld**

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**Legal Member/Chair**

**30 September 2022**

\_\_\_\_\_  
**Date**

