



**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/19/0008

Re: Property at Flat 2/1, 20 John Street, Gourock, PA19 1JY (“the Property”)

Parties:

Mr Campbell McIntyre, 47 Broomberry Drive, Gourock, PA19 1JY (“the Applicant”)

Miss Lynsay Robertson, 49D Royal Street, Gourock, PA19 1PP (“the Respondent”)

Tribunal Members:

Jan Todd (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 of £2,140 be made.

- **Background**

This is an application made by the Applicant for an order for payment of rent arrears of £1900 and for costs of a deep clean of the Property after the tenant left at the end of October 2018.

The Tribunal had before it:-

1. The application dated 4th January 2019 seeking payment of £2140
2. A copy of the lease dated 23rd May 2018
3. A rent statement showing only 2 payments of rent made in May and July 2018
4. Invoice for a deep clean from ADF superclean for £240 dated 15th December 2018.

- **The Case Management Discussion**

At the CMD the Applicant's representative Mr Duncan Luke attended from Blair and Bryden Solicitors along with Ms Linda Swan from the letting agent. Ms Swan appeared as a supporter only. The Respondent did not attend but had left a message with the Tribunal administration advising she was not able to attend because a hospital appointment had overrun. There were no written representations from the Respondent and the Tribunal noted that the Respondent had not requested a postponement.

Given there were no substantive submissions from the Respondent and given the overriding objective includes dealing with matters in a manner proportionate to the complexity of the issues and avoiding delay so far as compatible with the proper consideration of the issues, the Tribunal considered it appropriate to continue without the Respondent.

The Applicant's representative confirmed there had been no representations made by the Respondent regarding the arrears of rent nor any offer to pay despite requests being made. He also explained that no deposit had been paid therefore that could not be claimed for the arrears.

The Convenor asked on what ground in the lease the costs of a deep clean were being sought and the Representative advised the Property was in a very poor state when the Respondent left with complaints from neighbours of insect infestation. This is a breach, he submitted of Clause 11.4 (vi), to ensure the property and its fixtures and fittings are kept clean during the tenancy and advised that due to the extent of the dirt and staining a deep clean was required. The invoice produced refers to a total cost of £240.

- **Findings in Fact**

1. The Respondent leased the Property from the Applicant (Landlord) from May 2018 to October 2018 when she left.
2. Rent was due at £475 per month in advance.
3. The Respondent only paid 2 months rent in the 6 months period she occupied the Property.
4. 4 months arrears of rent has accrued amounting to £1,900 which is the sum claimed by the Applicant.
5. There was no deposit lodged therefore the Applicant cannot claim that towards the arrears of rent or the cost of a deep clean.
6. The Property was in need of a deep clean and the cost of this has been evidenced at £240.

- **Reasons for Decision**

The Respondent is contractually obliged to pay rent, in the sum of £475 per month. She has not paid for 4 months of the lease and has refused or delayed to pay these arrears. Accordingly arrears have built up amounting to £1900 and an order for this sum is appropriate.

In addition the Respondent left the property in a filthy state, in breach of clause 11.4 of the lease, which has necessitated commercial cleaning. The cost of which is £240.

- Decision

An order for payment of £2,140 is made.

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.

J.Todd

Legal Member/Chair

1/3/19

Date