



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/24/4188

Re: Property at 1A High Street, Johnstone, Renfrewshire, PA5 8JZ (“the Property”)

Parties:

Homes for Good Glasgow CIC, C/O Homes for Good Scotland CIC, 123 Main Street, Bridgton, Glasgow, G40 1QD (“the Applicant”)

Lewis Peter James Duncan, 7 Todhills, East Kilbride, G75 0LB (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £4115.26 (FOUR THOUSAND ONE HUNDRED AND FIFTEEN POUNDS AND TWENTY SIX PENCE).

Background

1. An application was received by the Housing and Property Chamber dated 9th September 2024. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 27th February 2025 all parties were written to with the date for the Case Management Discussion (“CMD”) of 25th April 2025 at 10am by

teleconferencing. The letter also requested all written representations be submitted by 20th March 2025.

3. On 28th February 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent personally. This was evidenced by Certificate of Intimation dated 28th February 2025.

The Case Management Discussion

4. A CMD was held 25th April 2025 at 10am by teleconferencing. The Applicant was represented by Miss Joey Lawrie. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
5. Miss Lawrie told the Tribunal that there has been no contact from the Respondent and there have been no offers of payment. The Respondent had previously been in rent arrears but the Applicant had worked with the Respondent to ensure that the arrears were paid. Between May to November 2024 the Respondent was resistant to engage with the Applicant.
6. Miss Lawrie said the Respondent left the Property on 21st November 2024. She said that the deposit has been returned to the Applicant. This was returned to address costs which had occurred at the end of the tenancy. The deposit was £490. The Property required a deep clean which cost £490. This was beyond normal wear and tear. There were also a substantial number of personal items left by the Respondent that were required to be removed.
7. The Tribunal was satisfied that the outstanding amount for £4115.26 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 17th August 2021. The Respondent left the Property on 21st November 2024.
9. The Respondent persistently failed to pay his rent charge of £490 per month. The rent payments were due to be paid on the seventeenth day of each month.
10. There have been no offers of payment to the arrears by the Respondent.
11. The deposit of £490 was returned to the Applicant for end of tenancy cleaning and clearing of items which went beyond wear and tear.
12. The arrears sought total £4115.26.

Decision

13. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £4115.26.

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.

G.Miller

25th April 2025

Legal Member/Chair

Date