



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/CV/25/1084

Re: Property at 15 Gorrie Terrace, Dundee, DD3 9RD (“the Property”)

Parties:

Mr Gordon Swankie, Mrs Sharon Swankie, 7 Adderley Crescent, Monifieth, DD5 4DS (“the Applicants”) per their representatives, Angus Glen Property (AGP) Limited,, 18 South Tay Street, First Floor, Dundee DD1 1PD (the Applicant’s Representatives”)

Mr Roy Nicoll the first-named Respondent and Ms Samantha Heath the second- named Respondent both residing att 5 Mid Shore, Pittenweem, Anstruther, KY10 2NJ (“the Respondents”)

Tribunal Member:

Karen Moore

Decision (in absence of the second- named Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order for the Sum of FIVE THOUSAND SEVEN HUNDRED AND SIXTY FOUR POUNDS and FORTY FIVE PENCE (£5,764.45) Sterling

Background

1. By application received between 12 March 2025 and 12 May 2025 (“the Application”), the Applicants’ Representatives, on behalf of the Applicants, applied to the Tribunal for a payment order requiring the Respondents to make payment of all costs incurred by them in respect of repairing damage caused to the Property by the Respondents and in respect of the costs of clearing and cleaning the Property to reinstate it to the condition which it was in at the start of the tenancy.
2. The Application comprised a copy of a tenancy agreement between the Parties, an inspection report with photographs evidencing the condition of the Property at the start of the tenancy, an inspection report with photographs evidencing the deterioration of the Property at the end of the tenancy, a schedule showing the amount of £6,664.45 incurred by the Applicants, receipted invoices vouching for this amount and copy correspondence between the Applicants’ Representatives and the Respondents discussing the condition of the Property and the cost to reinstate it. The schedule confirmed that the tenancy deposit of £900.00 had been recovered by the Applicants. Therefore, the sum sought by them was £5,764.45.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 17 October 2025 at 14.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to both Respondents by Sheriff Officer service on 1 September 2025.

CMD

4. The CMD took place on 17 October 2025 at 14.00 by telephone. Both Applicants were present and both were represented by Ms. McIntosh of the Applicants' Representatives. Mr. Nicoll, the first – named Respondent was present and was not represented. Ms. Heath, the second – named Respondent was not present and was represented by Mr. Nicoll. She did not submit written representations.
5. Ms. McIntosh confirmed that an Order for £5,764.45 was sought. Mr. Nicoll accepted that the sum sought is due and owing by him and Ms. Heath.

Findings in Fact

6. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There had been a private residential tenancy of the Property between the Parties;
 - ii) The Respondents caused damage to the Property and failed to leave it clean and clear of their possession at the end of the tenancy;
 - iii) The Applicants incurred costs of £6,664.45 to reinstate the Property to the condition it had been in at the start of the tenancy;
 - iv) The Applicants recovered £900.00 towards these costs;
 - v) The Respondents accept that the sum of £5,764.45 is due by them to the Applicants;
 - vi) The Applicants are entitled to an Order for £5,764.45.

Decision and reasons for the decision

1. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision”. Having found in fact that the Respondents are due and owing to the Applicants for the sum of £5,764.45, the Tribunal proceeded to make an order for payment of this sum.

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.

Karen Moore

Legal Member/Chair

Date: 17th of October 2025