



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/2617**

**Re: Property at Flat 6, 60 Carlton Place, Glasgow, G5 9TW (“the Property”)**

**Parties:**

**Mr Neil Strong, Mrs Donna Strong, 51 Buchanan Drive, Cambuslang, Glasgow, G72 8BB (“the Applicant”)**

**Mr Philip Mackle, Ms Lisa Johnson, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**John McHugh (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant's amendment should be allowed and an order for payment of the sum of £6499.25 should be made.**

**Background**

On 17 December 2019 a Case Management Discussion took place. The Applicant was represented by their solicitor. There was no appearance on behalf of the Respondent.

The Tribunal was happy to make an order for payment in respect of the sum originally sought in the application of £1123 plus interest. The Applicant's representative however indicated that the Applicant wished to amend the sum claimed under Rule 14A of the Tribunal Procedure Rules to £7203.27 plus interest at 3% over base rate less the deposit of £675.

A new CMD was fixed to take place on 10 February 2020 and advertisement of the CMD was given to the Respondents by advertisement on the basis that their address is unknown.

They did not appear.

### **Findings in Fact**

The Applicant is the Landlord and the Respondent in terms of a Private Residential Tenancy of the Property dated 28 July 2018.

Rent was payable at the rate of £875/month.

The Respondent paid a deposit of £675.

The Respondent has failed to pay rent in the total of £2825 in respect of part of July and the full amount due in respect of the months July to October 2019.

The Respondent has removed.

The Respondent was under a duty to take reasonable care of the Property in terms of Clause 16 of the tenancy agreement. The Applicant has incurred costs totalling £4349.25 in respect of replacing items within the Property which were damaged or lost during the Respondent's tenancy. The Applicant has produced a detailed list of these.

### **Reasons for Decision**

The Applicant has produced evidence of its losses which have occurred as a result of the Respondent's breach of contract in respect of its tenancy obligations. There is no contradictory evidence offered by the Respondent. The Applicant has confirmed that it wishes to reduce the sum sought by £675 in respect of the amount of the deposit. The Applicant seeks rent at the rate of 3% over base rate which appears reasonable.

### **Decision**

**An order for payment by the Respondent jointly and severally to the Applicant of the sum of £6499.25 plus interest at 3% over base rate will be 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.



Legal Member/Chair

16 February 2020

Date