



**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/20/2438**

**Re: Property at 115 Headland Court, Aberdeen, AB10 7HW (“the Property”)**

**Parties:**

**Ms Pamela Scott, 62 Gillbrae, Dumfries (“the Applicant”)**

**Mr Colin Rennie, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**Background**

This matter called for a Case Management Discussion by conference call at 10 am on 11 March 2021. The Applicant was in attendance. The Respondent had not been traced by Sheriff Officers who had made efforts to locate his whereabouts. The Tribunal had allowed service to be carried out on the Respondent by Advertisement and this had been effected on 4 February 2021.

The Respondent was neither present nor represented at the Case Management Discussion. The Tribunal considered it fair to proceed in his absence.

## **The Case Management Discussion**

The Applicant seeks a Payment Order in the sum of £368.49 for damage and cleaning required at the Property following from the Respondent's departure at the end of the Tenancy referred to in the Application. The Applicant had recovered sums from the deposit held but the Application was in respect of the balance which remained outstanding and was not covered by the deposit.

The Applicant supplied a check-in report indicating the condition of the Property at the start of the tenancy together with photographic images of the alleged cleaning issues and damage carried out to the Property along with contemporary emails sent to the Respondent at the end of the tenancy.

## **Findings in Fact**

Having heard from the Applicant the Tribunal made the following findings in fact:

- I. The Applicant and the Respondent were party to a tenancy agreement in respect of the Property.
- II. The tenancy commenced on 5 December 2015.
- III. The Applicant was the landlord and the Respondent was the tenant.
- IV. The Respondent paid a deposit of £550.00 at the start of the tenancy.
- V. When the Respondent vacated the Property remedial works and cleaning costs had to be incurred by the Applicant.
- VI. These costs exceeded the value of the deposit held.
- VII. The balance due was in the sum of £368.49.
- VIII. The sum was lawfully and contractually due to be paid by the Respondent to the Applicant.
- IX. The Respondent had been called upon to reimburse the Applicant for this sum but had failed to do so.

## **Reasons for Decision**

Having made the above findings in fact, the Tribunal granted the Application as sought and made a Payment Order in favour of the Applicant against the Respondent in the sum of £368.49.

## **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.

**Andrew McLaughlin**

11/03/21

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Legal Member/Chair

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Date