

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/18/3275

**Re: Property at Flat 0/2 5 Gleneig Quadrant, Glasgow, G34 0DG (“the
Property”)**

Parties:

SBC Properties, 6 Railway Road, Airdrie, ML6 9AB (“the Applicant”)

**Mr Thomas Govan, Mrs Andrea Govan, Flat 0/2 5 Gleneig Quadrant, Glasgow,
G34 0DG (“the Respondent”)**

Tribunal Members:

Aidan O’Neill (Legal Member)

Decision (in absence of the Respondent)

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

The appellant was represented by Mrs Marilyn Kent of SBC Properties. The respondents did not appear and were not represented. Ms Kent advised that the rent arrears which had been into four figures at the end of last year - and in respect of which the applicant had obtained a decree for payment from the sheriff court for £1,330.00 plus an award of expenses of £102 to cover the court fee for the application - had been substantially decreased after a lump sum payment by way of Housing Benefit from Glasgow City Council had been paid. Since that time the respondents, with whom Ms, Kent was in contact, had been making regular and significant payments to reduce their outstanding rent arrears. The total as at today’s date amount was £210.96. Ms Kent advised that the applicant in these circumstances was no longer insisting on the tribunal pronouncing an order for possession. Instead the applicant now wished only an order from the Tribunal for the respondents to pay the sum of £210.96 being the amount said currently to remain owing and outstanding to the applicant by the

respondents by way of rent arrears. She also asked the Tribunal to make an award against the respondents for the sum of £102 for the court fees incurred in the sheriff court summary application. If those payment orders were refused by the Tribunal she accepted that this application should simply be dismissed.

In the circumstances, I do not consider that the Tribunal has the power to make any award in respect of the £102 sheriff court fee, in respect of which there is already a sheriff court decree. I also do not consider that the Tribunal has any jurisdiction within the context of the present application for an order for possession (which is no longer being insisted upon) to make an award of £210.96 to cover the rent arrears currently said to be outstanding. In these circumstances I simply dismiss the application.

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.

Aidan O'Neill

Legal Member/Chair

13 May 2019

Date