



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/20/2628

Re: Property at 29 Sheil Place, East Calder, West Lothian (“the Property”)

Parties:

Mr Stuart Daisley and Mrs May Daisley 45 Old School Avenue, Polbeth, West Calder, EH55 8FE (“the Applicant”)

**Lindsays, Solicitors, Caledonian Exchange, 19A Canning Street, Edinburgh, EH3 8HE
 (“the Applicant’s Representative”)**

Mrs Jane Garrad, 7 Manse Court, East Calder, EH53 0HF (“the Respondent”)

Flexlaw Solicitors, BBC House, 24 Canning Street, Edinburgh, EH3 8EG (“the Respondent’s Representative”)

Tribunal Members:

**Ms. Susanne L. M. Tanner Q.C., Legal Member)
Mr Gerard Darroch, Ordinary Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent should pay to the Applicants the sum of ONE THOUSAND POUNDS (£1000.00) STERLING; and made an Order for Payment in respect of the said sum.

Background

1. On 18 December 2020 the Applicants’ Representative made an application to the tribunal under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and

Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”).

2. The Applicants sought a payment order in the sum of £2,875.85, plus interest; comprising rent arrears of £1800.00 to 4 December 2020, plus interest at the judicial rate of 5% per annum from the date on which rent fell due until payment; and repair costs in the sum of £1075.85, plus interest at the judicial rate of 5% per annum from the date upon which the application commenced until payment.
3. A Case Management Discussion took place on 15 March 2021. Reference is made to the Notes on a Case Management Discussion which were prepared and circulated to parties.
4. During the Case Management Discussion the Application was amended to seek payment of £2,873.35 plus interest.
5. A Hearing was fixed for 4 May 2021.
6. Directions were issued to parties following the Case Management Discussion in relation to information required and pre-hearing procedure.
7. The Respondent appointed a Representative.
8. The hearing was postponed to 11 June 2021 at 1000h.
9. On 10 June 2021, the parties’ representatives contacted the tribunal to advise that settlement discussions were at an advanced stage and that an update would be provided at the hearing.

Hearing: 11 June 2021 at 1000h, teleconference

10. Mr Gardiner from Lindsays attended on behalf of the Applicant.
11. Mr Harrison from Flexlaw attended on behalf of the Respondent.
12. Mr Gardiner stated that parties have reached an agreement for the tribunal to grant an order for payment for £1000.00 against the Respondent.
13. Mr Harrison confirmed that the Respondent agreed to an order for payment in the sum of £1000.00 be granted against her. He stated that that was subject to a back agreement for payment by instalments but that that matter did not require to be put before the tribunal.

14. Mr Gardiner moved to amend the sum claimed to £1000.00. The tribunal allowed the amendment.

15. The tribunal determined that it would make an order for payment by the Respondent to the Applicants in the sum of £1000.00.

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.

Susanne Tanner

11 June 2021

**Ms. Susanne L M Tanner Q.C.
Legal Member/Chair**