

Housing and Property Chamber
First-tier Tribunal for Scotland



**Hearing at First-tier Tribunal for Scotland (Housing and Property Chamber)
under Rule 70 of the First-tier Tribunal for Scotland Housing and Property
Chamber (Procedure) Regulations 2017.**

Chamber Ref: FTS/HPC/CV/17/0481

Re: Property at 1A Westbourne Gardens, Glasgow, G12 9XA (“the Property”)

Parties:

Virginia Braid, 4 Westbourne Gardens, Glasgow, G12 9XD (“the Applicant”)

**Stuart Alexander McArthur & Carolyn McArthur, 1A Westbourne Gardens,
Glasgow, G12 9XA (“the Respondents”)**

Representative Details:

**Catherine McQuarrie, TC Young, 7 West George Street, Glasgow, G2 1BA (“the
Applicant’s Representative”)**

Tribunal Member:

Nairn Young (Legal Member)

Elizabeth Currie (Ordinary Member)

Summary of Discussion

**This case called for a hearing in relation to an application for an order for
payment.**

**In the course of preliminary discussion, a final rent account for the property
was tendered by the Applicant. The parties agreed that it demonstrated that
the Respondents had made no payments of rent from 25 October 2017 until
they left the tenancy.**

**The Respondent tendered a schedule that she alleges describes works that
were not completed and dates when these were notified to the Applicant. She
also tendered two photographs of the property. The Applicant indicated that
she had not had sight of these documents prior to the morning of the hearing.**

After a short adjournment to allow parties to consider their positions, the Applicant made an application for the hearing to be adjourned to a later date, to allow consideration of the information presented and to allow the attendance of Mr Mark Henshelwood, an electrician as a witness, and the submission of further evidence as to the condition of the property at the end of the lease, in the form of a video.

The Tribunal noted that the schedule provided by the Respondent did not provide all information requested in the direction issued at the Case Management Discussion of 29 January 2018. In particular, the dates of repairs carried out were not clear. It was therefore unclear during which periods it is alleged the Property was uninhabitable, or otherwise could not be fully used and enjoyed.

After consideration, the Tribunal determined that the application for adjournment should be allowed, on the basis that more time for the production of evidence by both parties was required, that such evidence would relate to matters in dispute, and that it would be unjust to determine the case without permitting parties to produce the evidence.

Outcome

- Adjourned to further hearing on 25 May 2018 at 10am.
- The Respondents are directed to produce a spreadsheet listing each complaint concerning the condition of the property that they wish to found on as justifying an abatement of rent; when that complaint was notified to the Applicant; and either when a satisfactory repair was completed or a statement that no satisfactory repair was completed; and that no later than 7 days prior to the 25 May 2018.
- It is further directed that the Respondents will lead at the hearing on 25 May 2018.

N Young

Legal Member

18 APRIL 2018

Date