



**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/19/3615

**Re: Property at Flat 2/2, 45 Riverford Road, Shawlands, Glasgow, G43 1RX
("the Property")**

Parties:

**Miss Alison White, c/o Aberdein Considine, 5/9 Bon Accord Crescent,
Aberdeen, AB11 6DN ("the Applicant")**

**Mr Scott Carrigan, Flat 2/2, 45 Riverford Road, Glasgow, G43 1RX ("the
Respondent")**

Tribunal Members:

George Clark (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the application should be refused.**

Background

By application, received by the Tribunal on 7 November 2019, the Applicant sought an Eviction Order against the Respondent in terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the Act"). The Ground relied on was Ground 12 of Schedule 3 to the Act, namely that the Respondent had been in rent arrears for three or more consecutive months.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the parties, commencing on 6 February 2019 at a rent of £550 per month and a Rent Statement showing arrears as at 16 September 2019 of £825, being a shortfall on the rent due 6 August 2019 and non-payment of the rent due on 6 September 2019.

A Case Management Discussion was held on 4 February 2020 at which the Tribunal noted that an application had been made to a charity in respect of the provision of

funds which would clear the rent arrears which existed as at 17 January 2020, namely £2,142. The Tribunal adjourned the Case management Discussion to 10 March 2020, as it appeared that the application to the charity had been successful and that funds would be paid within a short period.

At the reconvened Case Management Discussion held on 10 March 2020, the Tribunal continued the case to a full Hearing to be held on 23 June 2020, to see whether a settlement could be reached. The Tribunal was told that it had been agreed that the Respondent would pay his monthly rent in full, together with a further sum of £100 per month until the arrears were cleared. The arrears at that date were agreed to be £431.92.

The Hearing scheduled for 23 June 2020 was postponed due to the COVID-19 lockdown restrictions.

On 22 July 2020, the Applicant provided the Tribunal with an updated Rent Statement showing arrears of £706.92. On 29 July 2020, the Respondent provided the Tribunal with a copy of an email from Aberdeen Considine, the Applicant's letting agents, acknowledging receipt of two payments, one of Universal Credit and the other directly from the Respondent and confirming that the balance on the rent account was now Nil.

The Hearing

A Hearing was held by way of a telephone conference call on the morning of 30 July 2020. Both parties participated in the conference call.

The Applicant accepted that the rental account was now clear and that the Tribunal was unable to make an Order for Payment and that the application would now be refused.

Decision

The Tribunal determined that the application should be refused.

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

30 July 2020

Date

