

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/17/0481

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

Parties:

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

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

Tribunal Members:

Nairn Young (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision

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

- **Background**

This is an application for payment of unpaid rent allegedly due in relation to the Property. After various procedure, the matter called for a hearing of evidence on 25 May 2018. At that point, with the agreement of all parties, the Respondents were asked to lead. It was also agreed by the parties that the amount outstanding on the rent account is £12,365.06 and that the amount claimed should be amended to this sum. The Tribunal allowed this.

The Respondents’ case was concluded on the morning of 25 May 2018. The Applicant was not able to conclude her case on that day. The matter therefore called again on 6 August 2018 and was heard to its conclusion on that date.

In the time between the two days of hearing evidence, the Respondents submitted a further document, which they stated gave evidence of monies owed to them by the Applicant. The Tribunal considered whether to receive this document before commencing further hearing of evidence on 6 August 2018. The Tribunal did not

consider that to allow this evidence to be received would be in line with the overriding objective to deal with the proceedings justly. The evidence related to a line of argument that had not been put forward at any point in the proceedings to date and which had not been disclosed to the Applicant. The Tribunal did not in any event consider that it raised any matter of relevance to the decision it was being asked to make in regard to whether rent was lawfully due.

- Decision

After hearing parties and their representatives, the Tribunal decided to grant and order for payment of the sum of £12,365.06.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Legal Member/Chair

6 AUGUST 2018

Date