



Notes on a Hearing 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/23/1127

Re: Property at 114B High Street, Musselburgh, EH21 7EA (“the Property”)

Parties:

Ms Brenda McGee, 67 Moira Terrace, Edinburgh, EH7 6SS (“the Applicant”)

Mr Jonathan Vass and Ms Lauren McNeill, 114B High Street, Musselburgh, EH21 7EA (“the Respondents”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Ahsan Khan (Ordinary Member)

Hearing

The Hearing took place by telephone conference on 5 December 2023. The Applicant was in attendance supported by her partner, Mr Kenneth Buchanan. The Respondents were in attendance and were represented by Mr Mark Coull of Haddington CAB.

Prior to the Hearing and by email dated 21 November 2023 the Tribunal received from the Applicant per her representative, Claire Maguire of Flexlaw Solicitors, Written Submissions together with associated productions.

At 9.35am on 5 December 2023 the Tribunal also received an email from Mr Coull for the Respondents with a payment receipt attached showing a transfer of £630 to the Applicant marked as “Arrears”.

Outcome

At the Hearing Mr Coull for the Respondents confirmed that:-

- i. The Respondents agreed to the increase in rent to £810 per month with effect from 1 April 2023.
- ii. The Respondents had continued to pay rent of £740 per month meantime;
- iii. The payment of £630 made immediately prior to the Hearing comprised rent arrears of £70 per month from 1 April 2023 to date which brought the Respondents rent completely up to date.

The Applicant made the following submissions:-

- i. The Respondents had continued to pay rent of £740 per month;
- ii. That if the sum of £630 had been paid as suggested the rent would be up to date.
- iii. That she had not been able to check if the payment of £630 had been received.
- iv. That she would like time to discuss the position with her solicitor who was in Court and therefore not available.

The Tribunal stated that if payment had been made then the Application was resolved and the Tribunal would make no further determination. A brief adjournment took place to allow the Applicant to check that payment had been received after which she confirmed payment had indeed reached her account.

The Tribunal therefore refused the Application as being unnecessary.

Decision

Application refused.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.



Legal Member

5 December 2023
Date