



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/0946**

**Property : Flat 1/1, 17 Prospecthill Grove, Glasgow G42 9LG (“Property”)**

**Parties:**

**Area Estates Limited, Ground Floor, 30 City Road, London EC1Y 2AB (“Applicant”)**

**Savills (UK) Limited, Monreith House, The Crichton, Glencaple Road, Dumfries DG1 4ZZ (“Applicant’s Representative”)**

**James Josey, Flat 1/1, 17 Prospecthill Grove, Glasgow G42 9LG (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to dismiss the Application.**

The Applicant sought an order for payment of £4500 in respect of rent arrears . The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 9 September 2019 and a statement of rent arrears. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 30 May 2024.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 2 July 2024 by teleconference. The Applicant was represented by Caroline Davies of the Applicant’s Representative. The Respondent was in attendance. The Respondent told the Tribunal that he had paid £4000 on 22 May 2024 and agreed with the Applicant that the balance of the rent due would be taken from the deposit held. Ms Davies confirmed that was the case although she said that rent would be due for June 2024. The Tribunal noted that as the arrears

that were the subject matter of the Application had been paid, the Application should be dismissed. Ms Davies and the Respondent confirmed that was the case.

### **Reasons for the Decision**

As the rent arrears which form the subject matter of the Application have been paid, the Application should be dismissed.

### **Decision**

The Tribunal determined to dismiss the Application.

### **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.**

**Joan Devine  
Legal Member**

**Date : 2 July 2024**