



**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/23/0824**

**Re: Property at 35 Bridge Street, Wishaw, ML2 7QX (“the Property”)**

**Parties:**

**Mr Stephen Broadley, 6 Railway Road, Airdrie, ML6 9AB (“the Applicant”)**

**Mr Dean Anthony Miller, 20 Gala Crescent, Wishaw, ML2 7JS and Mr Stuart  
Miller, 24 Strathclyde Road, Motherwell, ML1 3EE (“the Respondents”)**

**Tribunal Members:**

**George Clark (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an offer to settle the case having been made and  
accepted, the application should be dismissed.**

**Background**

1. This case has a long history, the application having been made on 15 March 2023. The Applicant was claiming unpaid rent of £1,620.35 and a further £510 in respect of work required to the Property when the Tenancy Agreement between the Applicant and the First-named Respondent ended. The Respondent was arguing that he had withheld rent for good reason, due to the condition of the Property when he and his family moved in, issues with the hot water supply and an unauthorised visit to the Property by the Applicant’s agent. The Applicant contended that written notice of that visit had been given and contested the claims regarding the condition of the Property and the hot water supply. The Second-named Respondent acted as a Guarantor for the First-named Respondent’s obligations under the Tenancy Agreement

2. There had been two Case Management Discussions, on 11 May 2023, 14 June 2023 and a partial Hearing on 24 January 2024, which was continued to an in-person Hearing.
3. Both Parties provided written submissions and indicated their intention to call witnesses at the continued Hearing, which was scheduled to last for two days. Written statements from their witnesses were provided in advance by both Parties.

### **The Hearing**

4. The continued Hearing took place at Glasgow Tribunals Centre on the morning of 20 August 2024. The Applicant was not present but was represented by Mrs Marilyn Kent. The First-named Respondent was present. The Second-named Respondent was not present or represented. The Applicant's representative intended to call two witnesses by video link and three witnesses were due to appear on behalf of the Respondents.
5. The Tribunal heard evidence from Mrs Kent and from the First-named Respondent. At the conclusion of their evidence, the First-named Respondent told the Tribunal that he and his father (the Second-named Respondent) were willing to settle the case on the basis that the Applicant could retain the whole tenancy deposit of £700 and the First-named Respondent would pay a further £300 to the Applicant. The Tribunal adjourned the Hearing to allow the Applicant's representative to take instructions.
6. After a short adjournment, the Applicant's representative advised the Tribunal that the Applicant was prepared to accept the offer to settle the case on the basis that he would receive £1,000 from the deposit and a payment by the First-named Respondent. Accordingly, the Tribunal did not proceed to hear any further evidence.
7. The view of the Tribunal was that it would be unfair to the Respondents to make an Order for Payment against them when they had made an offer to settle and that offer had been accepted.
8. The Tribunal, therefore, advised the Parties that it would delay issuing its Decision for 14 days and, provided the Parties confirmed within that period that the deposit had been released, without challenge, to the Applicant and that the First-named Respondent had paid £300 to the Applicant via his agent, the Tribunal would dismiss the application. If, however, settlement was not effected within the 14-day period, the Tribunal would make an Order for payment by the Respondents to the Applicant of the sum of £1,000.
9. On 5 September 2024, the Applicant's representative confirmed that the sum of £300 had been received from the Respondent and on 13 September 2024, she confirmed that the deposit had been paid out in full to the Applicant.

10. The Tribunal decided that the matter that was the subject of the application had been settled and that it should, therefore, be dismissed.

### **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.**

**George Clark**

**Legal Member/Chair**

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**13 September 2024**

**Date**