



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 71 (1) of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/0502**

**Re: Property at 17 Woodruff Gait, Dunfermline, Fife, KY12 0NL (“the Property”)**

**Parties:**

**Mr Chris Hudd, Mrs Helen Hudd, 7 Bryanston Drive, Dollar, FK14 7EF (“the Applicant”)**

**Mr Mathew Ollivent, 17 Woodruff Gait, Dunfermline, Fife, KY12 0NL (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £5090.00**

**Background**

1. By application dated 14 February 2019 the Applicant’s solicitors Miller Samuel Hill Brown LLP, Solicitors, Glasgow applied to the Tribunal on the Applicant’s behalf for an order for payment in respect of alleged rent arrears arising from the Respondent’s lease of the property. The applicant’s representatives provide the Tribunal with a copy of the tenancy agreement, copy Notice to Leave with confirmation of service, copy Section 11 notice and copy rent statement in support of the application.
2. By Notice of Acceptance dated 25 February 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. A Case Management discussion took place at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy on 9 April 2019. At that time the Applicant's representatives sought an order for payment in the increased sum of £5090.00. As it appeared to the Tribunal that the Respondent had not been given notice of the amended sum sought the Case Management Discussion was continued to allow the Tribunal to intimate the amendment to the Respondent. A further Case Management Discussion was assigned to take place on 31 May 2019.
4. On 7 May 2019 the Applicant's representatives advised the Tribunal that agreement had been reached with the Respondent whereby he would consent to an order being granted for payment by the Respondent to the Applicant in the sum of £5090.00. The Applicant's representatives requested that the application be dealt with without the need for the further Case Management Discussion.
5. On 24 May 2019 the Tribunal received confirmation from the Respondent that he agreed to pay the Applicant £5090.00.
6. The Tribunal subsequently sought confirmation that the Applicant was not seeking either interest or expenses in addition to the agreed sum. Both parties confirmed this was the case in emails dated 29 May 2019.
7. Both parties were agreed that the Case Management Discussion be discharged and the Tribunal issue a decision without a hearing in terms of Rule 18 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Tribunal therefore discharged the Case Management Discussion assigned for 31 May 2019 and proceeded to determine the application.

#### Findings in Fact

8. The parties entered into a private residential tenancy agreement that commenced on 27 October 2018 at a monthly rent of £1100.
9. The amount due by the Respondent at the end of the tenancy amounted to £5090.00
10. The parties reached an agreement as to the amount due prior to the Case Management Discussion assigned for 31 May 2019.

#### Reasons for Decision

11. The Tribunal was satisfied that following discussions between the Applicant's representatives and the Respondent that an agreement had been reached between the parties that the Respondent agreed to pay the Applicant the sum of £5090.00 in full settlement of the Applicant's claim with no interest or expenses in addition.

12. The Tribunal was satisfied that having regard to the facts that were not disputed by the parties it had sufficient findings to determine the case and that by doing so it would not be contrary to the interests of the parties.

Decision

13. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £5090.00.

**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.**

Mr Graham Harding

\_\_\_\_\_  
Legal Member/Chair

\_\_\_\_\_  
Date

30 May 2019