



**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/20/0972**

**Re: Property at 51 Old Mill Road, East Kilbride, G74 4EY (“the Property”)**

**Parties:**

**Ms Julie Asher, 32 Invercargill, East Kilbride, G75 8RF (“the Applicant”)**

**Mr Kenneth Gauld, 51 Old Mill Road, East Kilbride, G74 4EY (“the  
Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment in the amount of £11,000  
should be made.**

**Background**

The Applicant lodged an application with the Tribunal in December 2019 under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 “the Procedure Rules”), seeking an order for payment of rent arrears.

Lodged with the Application were:

1. Copy Title Sheet
2. Notice to Quit dated 9/10/19
3. AT6 dated 9/10/2019
4. Rent Schedule
5. Sheriff Officer Certificate of Service
6. Section 11 Notice

On 5<sup>th</sup> August 2020 the Applicant sent an email to the Tribunal attaching an amended Statement of Claim, an updated rent statement and a Certificate of Service by Sheriff Officers of those documents.

### **Case Management Discussion**

The CMD took place by teleconference.

The Applicant, Ms Asher, dialled in personally, and Miss Millar of Gilson Gray, Solicitors, dialled in on behalf of the Applicant. Mr Gauld, the respondent, also dialled in.

The Chairperson had each party introduce themselves and explained the purposes of a CMD in terms of Rule 17. She made it clear that if she had sufficient information she could make a final decision at the CMD. She confirmed with each party that they understood. She asked Mr Gauld if he had taken legal advice. He confirmed that he had not.

During the course of the CMD in relation to eviction, FTS/HPC/EV/20/0971 it was agreed between the parties that the sum sought in relation to arrears would be restricted to £11000.

### **Findings In Fact**

1. The parties entered in to an assured tenancy agreement in relation to the property;
2. The tenancy ran on a month to month basis commencing on 11<sup>th</sup> December 2009;
3. The monthly rent was £440;
4. Notice to Quit and AT6 had been served correctly and timeously;
5. The arrears when the action was raised were £7040;
6. The arrears at the date of the CMD were £11880, restricted by the Applicant and agreed by the respondent to £11000;

### **Reasons For Decision**

The sum sought is due.

### **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.**

Alison J Kelly

13<sup>th</sup> August 2020

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**Legal Member/Chair**

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**Date**