



**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/19/1559

**Re: Property at 39 Whitelaw Road, Dunfermline, Fife, KY11 4RW (“the
Property”)**

Parties:

Mr Michael Boyle, 46 Aberdour Road, Dunfermline (“the Applicant”)

Mr Garry Stuart, 15 Drummond Place, Dunfermline (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

- **This matter called for a Case Management Discussion at 2pm on 6 December 2019 at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy, KY1 1XT. Both parties were personally present.**
- **The Applicant stated that he was seeking a Payment Order in the sum of £774.65 in respect of rent arrears due and repairs required in respect of a tenancy between the parties at the Property.**
- **On hearing from the parties, it immediately became apparent that parties were open to discussing a resolution regarding these matters themselves and there were only minor issues in dispute regarding what sums were due.**
- **The Tribunal suggested that the hearing be adjourned to see if a resolution could be reached. Both parties indicated a willingness to sort this matter out between themselves.**
- **After the Tribunal resumed both parties reported having reached an agreement that they were happy with. The Tribunal was asked to make a Payment Order in the sum of £469.65.**

- Having considered the documentary evidence, the Tribunal considered that this seemed a reasonable settlement and the Tribunal would facilitate the settlement by making a Payment Order in the agreed amount.
- The Tribunal therefore made a Payment Order in the sum of £469.65.
- The parties indicated that it had been agreed that the Respondent should have six weeks to make payment. The Tribunal pointed out that as there was no Application for a Time to Pay Direction before the Tribunal, the Tribunal could not grant this but the Respondent could, if he wished, apply for a Time to Pay Order following the issuing of the decision. Both parties indicated their happiness with the proposed arrangement and the Hearing concluded.

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.

A. McLaughlin

Legal Member/Chair _____

Date 5/12/19 _____