



**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/18/1812

Re: Property at 41 Dundas Walk, Kilmarnock, KA3 7JS (“the Property”)

Parties:

**Mr James Kyle, C/O Murphy Scoular, 22-24 John Finnie Street, Kilmarnock,
KA1 1DD (“the Applicant”)**

**Ms Laura Thomson, 13 Spey Avenue, Kilmarnock, KA1 3PG (“the
Respondent”)**

Tribunal Members:

Lesley Ward (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the respondent shall make payment to the applicant
the sum of one thousand four hundred and twenty four pounds and seventy
eight pence (£1424.78).**

This was a case management discussion ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act 2014 in respect of rent arrears for the property at 41 Dundas Walk Kilmarnock KA3 7JS.

The application was made on the 18 July 2018 by Miss Lyndsay Monaghan of Barnetts Solicitors. The tribunal had before it the following documents:

1. Application dated 17 July 2018 and received by the Tribunal on 18 July 2018..
2. Lease from 31 March 2016 until 30 September 2016.
3. Rent statement.

4. Letter from applicant's solicitor to respondent dated 14 May 2018 regarding rent arrears.
5. Letter to the Tribunal from the respondent dated 11 December 2018.

The tribunal had sight of the sheriff officer's execution of service which confirmed that the respondent had received notice of the application and of today's CMD on 28 November 2018.

Miss Lyndsey Monaghan of Barnetts Solicitors attended the tribunal on behalf of both parties. She advised that the respondent had consulted her own solicitor, Mr Gallen of James Guthrie and company and the parties had reached agreement regarding the rent arrears. Mr Guthrie had requested that Miss Monaghan appear for both parties. The tribunal noted that the letter lodged at item 4 above refers to rent arrears on 14 May 2018 of £1228.30. Miss Monaghan advised that this was a mistake and she produced a further letter sent to the respondent on 23 May 2018 seeking rent arrears of £2358.78. In any event Miss Monaghan advised that her clients have taken into account the respondent's position and have agreed to seek an order in the sum of £1424.78 as per the respondent's letter of 11 December 2018.

The tribunal noted that the rent statement lodged and referred to at item 3 above was not clear and no calculation had been provided in connection with the contractual interest. The tribunal however noted that the parties had reached an agreement regarding the arrears and no contractual interest was being sought.

Reasons

The parties have reached an agreement regarding the arrears and the tribunal granted an order to reflect this agreement for the sum of £1424.78.

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.

Lesley A Ward

21 December 2018

Lesley A Ward Legal Member

Date