



**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**

Reference number: FTS/HPC/CV/23/0663

Property: 115 Stonylee Road, Cumbernauld, G67 2LR

Parties:

Mr Neagle Cathcart, residing at 2a Westmount Park, Newtonards, Co Down, BT23 4BP (“the Applicant”)

and

Oluseun Olukoya, residing at 115 Stonylee Road, Cumbernauld, G67 2LR. (“the Respondent”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber), on the applicant’s unopposed motion, dismisses the application.

**Background**

The Applicant sought an order for payment of rental arrears totalling £1,350.00. The Applicant had lodged with the Tribunal Form F. The documents produced included a Private Residential Tenancy agreement and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place by telephone conference at 2.00pm on 10 May 2023. Mr J MacAulay, solicitor, represented the applicant. The respondent was neither present nor represented.

**Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy agreement for the Property dated 26/08/2022. In terms of the tenancy agreement the respondent agreed to pay rental at the rate of £675.00 per month.
2. In Autumn 2022 the respondent lost his job, and arrears of rental accumulated. At the date of application there were arrears of rent totalling £1,350.
3. On 02/03/2023 the applicant raised an application for payment of arrears of rent totalling £1,350. On 10/05/2023 the respondent paid the applicant £1,350 to clear the arrears of rental covered in this application.
4. Even after settling the amount applied for, the appellant is still one month behind in his rental, but parties have agreed that the current rental and the one month's rental which has become outstanding since this application was raised will be settled in June 2023.
5. The applicant wants to dismiss this application because he has been paid the sum applied for.
6. On the applicant's unopposed motion, the application is 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.**

**P Doyle**

**Legal Member**

**10 May 2023**