



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

Chamber Ref: FTS/HPC/CV/22/2018

Re: Property at 11 Cumberland Place, Coatbridge, North Lanarkshire, ML5 5RS (“the Property”)

Parties:

Andrew McGee Enterprises Ltd, 6 Brannock Place, Newarthill, Motherwell, ML1 5DX (“the Applicant”)

Mr Craig McGeechan, 11 Cumberland Place, Coatbridge, North Lanarkshire, ML5 5RS (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Leslie Forrest (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of NINE THOUSAND POUNDS (£9,000.00)

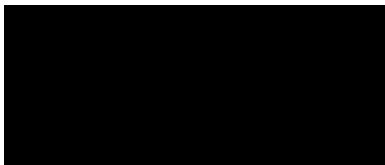
STATEMENT OF REASONS

1. This Application was due to call for a Hearing in person on 15 August 2023, together with the related application EV/22/2017.
2. By email dated 10 August 2023, the Respondent’s Representative wrote to the Tribunal to advise that parties had agreed settlement terms in respect of both applications, and invited the Tribunal to make the following orders:-
 - a. On the Applicant’s unopposed motion, to allow the Applicant to amend the eviction application to proceed under Ground 12A of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016;

- b. On the Applicant's motion, of consent, to grant an eviction order under ground 12A on the basis that (i) the Respondent is in more than 6 months of rent arrears, and (ii) it is reasonable to grant the eviction order;
 - c. To make no finding in respect of alleged anti-social behaviour; and
 - d. On the Applicant's motion, of consent, to grant an order for payment by the Respondent to the Applicant in the sum of £9,000.
3. By email dated 10 August 2023, the Applicant's Representative confirmed that the position set out in the Respondent's Representative's email was an agreed position.
4. In the circumstances, the Tribunal allowed the eviction application to be amended, and thereafter granted the orders in accordance with parties' emails of 10 August 2023.

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.



15 August 2023

Legal Member/Chair

Date