



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/22/4277

Re: Property at Flat 7, 80 High Street, Elgin, Moray, IV30 1BJ (“the Property”)

Parties:

Mr Christopher Davis, Mrs Helen Davis, Hillhouse, Maryhill, Orton, Fochabers, IV32 7QE (“the Applicant”)

Miss Siobhan Kenning, Flat 7, 80 High Street, Elgin, Moray, IV30 1BJ (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision

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

- Background

This is an application for an order for payment of arrears of rent alleged to be owed by the Respondent to the Applicant in terms of her private residential tenancy at the Property. It called for case management discussion (‘CMD’) at 2pm on 24 March 2023, by teleconference. The Applicant was represented on the call by Mr Charles Beck of Cluny Estate Agents. The Respondent was on the call in person.

- Reasons for Decision

1. As a preliminary matter, the Tribunal had been asked to allow an amendment to the sum sought under the application to £3,800. The Applicant's agent indicated that, since making the application to amend, the figure the Applicant was seeking had reduced to £,3,462.88. The Respondent did not object to an amendment. The Tribunal allowed an amendment to £,3,462.88.
2. The Respondent indicated that she had entered into an agreement with the Applicant to pay £250 per month towards the debt on the eighth day of each month and had been keeping to this since November 2022. The Applicant's agent accepted that that was the case.
3. The Tribunal considered that the matter had settled extra-judicially and that there was no basis upon which it could grant the order sought.

- Decision

Application refused

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.

N Young

24 March 2023

Legal Member/Chair

Date