

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the 2014 Act

Chamber Ref: FTS/HPC/CV/19/1548

Re: Property at 132 Culduthel Road, Inverness, IV2 4EF (“the Property”)

Parties:

Mr Hugh John MacDonald, 15 Gollanhead Avenue, Rosemarkie, Ross-shire, IV10 8UG (“the Applicant”)

Mr John Martin, The Bothy, West Torbreck, Inverness, IV2 6DJ (“the Respondent”)

Tribunal Members:

Helen Forbes (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the sum of £4,402.42 should be granted in favour of the Applicant.

Background

This is an application for an order for payment in the sum of £21,296.04 in respect of rent arrears and sums arising from the sub-let of the Property. The application, dated 20th May 2019, was made in terms of Rule 91 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”).

At a Case Management Discussion on 30th August 2019, the case was conjoined with another case involving the same parties – case ref: FTS/HPC/EV/19/1547. Both cases were set down for a hearing.

The Hearing

A hearing took place at the Mercure Hotel, Church Street, Inverness, on 28th and 29th October 2019. The Applicant was not in attendance, due to ill health. He was represented by Mrs Laura McCarthy, Solicitor. She was accompanied by the Applicant’s son, Mr Ian MacDonald, and the Applicant’s daughter, Ms Jennifer MacDonald. Ms MacDonald was an observer and took no part in the proceedings.

The Respondent was in attendance and was accompanied by Mr Gavin Ross, acting as a Supporter.

Evidence was heard in the case FTS/HPC/EV/19/1547 on 28th October 2019. That case was continued to 29th October 2019, when this case was also expected to be heard.

At the start of the continued hearing into case FTS/HPC/EV/19/1547, parties informed the Tribunal that discussions were taking place regarding settlement of both cases. Parties were allowed time to discuss settlement. Parties produced a joint minute providing that an order for payment should be made whereby the Respondent shall pay to the Applicant the sum of £4,402.42.

Findings in Fact

No findings in fact were made.

Reasons for Decision

The parties reached agreement regarding the granting of an order for payment.

Decision

An order for payment is granted whereby the Respondent shall make payment to the Applicant in the sum of FOUR THOUSAND FOUR HUNDRED AND TWO POUNDS AND FORTY TWO PENCE (£4,402.42) STERLING.

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.

H. Forbes

Legal Member/Chair

29th October 2019

Date