



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/20/2297

Re: Property at Flat 0/2 53 Sandaig Road, Glasgow, G33 4AT (“the property”)

Parties:

Mrs Jacqueline Lynn, 56 Briancroft Drive, Robroyston, Glasgow, G33 1RE (“the applicant”)

Mr Christopher Neilly formerly residing at Flat 0/2, 53 Sandaig Road, Glasgow G33 4TA and whose whereabouts is currently unknown to the tribunal, (“the first named respondent”) & Ms Nicole McNicol, formerly residing at Flat 0/2, 53 Sandaig Road, Glasgow G33 4TA, and now at 132 Easterhouse Road, Glasgow, G34 9RQ (“the second named respondent”)

Tribunal Member:

David Preston (Legal Member) (“the tribunal”)

Decision: (in absence of the first named respondent)

The tribunal determined that the applicant was entitled to an order for payment by the second named respondent in the sum of THREE THOUSAND FIVE HUNDRED AND SIXTY NINE POUNDS AND SIXTY EIGHT PENCE (£3569.68) and, of consent, makes no order against the first named respondent and discharges the application against him.

Background

1. Following the Case Management Discussion (“CMD”) on 5 January 2021 and the Note issued on that date, the applicant and the second named respondent entered into an undated Joint Minute in terms of which the sum sought by the applicant was amended to £3569.68 and the second named respondent consented to the grant of a Payment Order against her in that sum.

2. Although the first named respondent was named in the instance of the Joint Minute as a party he was not mentioned in the body and was not a signatory. By email dated 25 January 2021 the applicant's agent confirmed that the applicant was content for no order to be made against the first named respondent only.
3. The CMD was convened at 1000 on 26 January 2021 at which Ms Morrison attended on behalf of the applicant and Ms Prochalska attended on behalf of the second named respondent. There was no appearance by or on behalf of the first named respondent.
4. Ms Prochalska confirmed that the second named respondent was content that the application be discharged quoad the first named respondent and confirmed that the second named respondent accepted liability in full for the sum sought.

Outcome

The tribunal granted an Order for payment by the second named respondent to the applicant in the sum £3569.68 and discharged the application quoad the first named respondent.

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.

David Preston

26 January 2021

Legal Member