



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/0538

Property : 202 Shuna Street, Glasgow G20 9ES (“Property”)

Parties:

**Reid and Lovell Property Limited, 214 Terregles Avenue, Glasgow G41 4RR
 (“Applicant”)**

**TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA ("Applicant's
Representative")**

**Jacques Van Schalkwyk and Jekaterina Van Schalkwyk, 202 Shuna Street,
Glasgow G20 9ES ("Respondents")**

Tribunal Members:

Joan Devine (Legal Member)

Background

The Applicant sought an order for payment of £4,818.92 in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were a tenancy agreement dated 25 November 2019 between the Applicant and the Respondents commencing on 25 November 2019 ("Tenancy Agreement") and a statement in respect of rent arrears as at 24 March 2021 showing a balance due of £4,818.92.

A case management discussion ("CMD") had place before the Tribunal on 5 May 2021 at which the sum claimed was amended to £6,118.921. The CMD was adjourned to 1 June 2021 as the Respondents had applied for a hardship loan. At the CMD on 1 June 2021 the balance due had reduced to £2,368.92 which covered rent due to 25 May 2021. The CMD was continued to 3 August 2021 to allow the balance to be paid.

Summary of Discussion at CMD on 3 August 2021

The Applicant was represented by Mark Oswald of the Applicant's Representative. The Respondents were both present. The Tribunal noted that the application was for

payment of rent arrears totalling £2,368.92. The case had been continued to allow payment to be made.

Mr Oswald told the Tribunal that the sum of £2,368.92 had been paid on 30 July 2021. He said that rent of £650 had fallen due on 25 June and 25 July 2021. He sought to amend the sum claimed to £1300 in respect of those sums. He sought an order for payment of that amount. Alternatively he asked for a further CMD to be fixed on the basis a payment arrangement may have been reached by then.

In response Mr Schalkwyk told the Tribunal that the sum of £2,368.92 had been paid and the claim should be concluded. He said that he required to take time off work to attend the CMDs. That was time that he could be working to earn money to pay the rent.

The Tribunal noted that CMD which took place on 1 June 2021 had been continued to allow payment of the balance then due of £2,368.92. That sum had been paid. There had been no application to amend the sum claimed until the CMD on 3 August 2021. The application to amend was opposed. The Tribunal determined that it was not appropriate to allow the sum claimed to be amended further and to allow the Application to be continued to monitor payment of the rent. The Tribunal determined to dismiss the Application.

Reasons for the Decision

The CMD held on 1 June 2021 had been continued to allow payment of the sum then due of £2,368.92. That sum had been paid. The Tribunal therefore determined to dismiss the Application.

Decision

The Tribunal dismissed the Application.

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.



**Joan Devine
Legal Member**

Date : 3 August 2021