



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

Chamber Ref: FTS/HPC/CV/19/1758

Re: Property at 94 Main Street, West Kilbride, KA23 9AP (“the Property”)

Parties:

**Mr Ronald Charles Gordon Munton As Executor of the Late James A C Buntin,
4A Frazer Street, Largs, KA30 9HP (“the Applicant”)**

**Mr Robert McCallum, 94 Main Street, West Kilbride, KA23 9AP (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Application should be dismissed.**

Background

The Applicant’s solicitor lodged an application on 6th June 2019 in terms of Rule 70 of the Tribunal’s Procedural Rules, seeking payment of rent arrears from the respondent in the amount of £3200.

Lodged with the Application were:

1. Copy Confirmation in relation to the deceased Landlord’s estate
2. Copy death Certificate in relation to the co-executor

It was explained in the Application that the Landlord died in 2018, and the Respondent had not paid any rent since June 2018. It was further explained the Applicant did not have a copy of the lease or the AT5.

A Case Management Discussion took place on 29th August 2019. The Applicant was represented by Bernadette Baxter, Solicitor. The Respondent attended personally.

The Case Management Discussion Note, prepared by the Chairperson, David Preston, states that the Respondent had a copy of the tenancy agreement and AT5, but did not have them with him. The Respondent accepted that he had not paid rent, but said that he had not known who to pay it to. He is noted as saying that he did know that Low Beaton, Solicitors in Largs were dealing with the estate, but had not thought to pay it to them.

The Case Management Discussion in that was continued to coincide with a Case Management Discussion in relation to the eviction case, EV/19/2323, which was scheduled for today. The Respondent was to pass copies of the tenancy agreement and the AT5 to Low Beaton, Solicitors. The Applicant was to lodge a copy of the Confirmation to show that the property was included on it.

On 10th September 2019 the Applicant's solicitor lodged a copy of the Landlord's death certificate, copy Confirmation disclosing the property, and a copy of the title deed.

Case Management Discussion

The Applicant was again represented by Miss Baxter, Solicitor. The respondent appeared personally. The parties advised the Chairperson that they had reached agreement in the matter and wanted the Application to be dismissed.

Reasons for Decision

The parties sought that the Application be dismissed.

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.

A. J. Kelly

Legal Member/Chair

27/9/19

Date