



**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/18/0845**

**Re: Property at 192 Castlemilk Road, Glasgow, G44 4LF (“the Property”)**

**Parties:**

**Ms Mandy Kelly, 27 Roselle Place, Newton Mearns, Glasgow, G77 6YS (“the Applicant”)**

**Ms Debbie Campbell, 192 Castlemilk Road, Glasgow, G44 4LF (“the Respondent”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

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

**Background**

This is an application for a payment order dated 4<sup>th</sup> April 2018 and brought in terms of Rule 70 (Application for civil proceedings in relation to an assured tenancy under the 1988 Act) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicant sought in her application payment of arrears in rental payments of £4,295.36 in relation to the Property from the Respondent, and provided with her application copies of the short assured tenancy agreement and copy rent arrears statement.

The short assured tenancy agreement had been correctly and validly prepared in terms of the provisions of the *Housing (Scotland) Act 1988*, and the procedures set out in that Act had been correctly followed and applied.

## **Hearing**

A Hearing was held on 25<sup>th</sup> September 2018 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicant did not appear, but was represented by Ms Macphail, solicitor. The Respondent did not appear, but was represented by Ms McKellar, solicitor.

A Case Management Discussion was previously held on 20<sup>th</sup> July 2018. Since that earlier Case Management Discussion took place, the parties had reached agreement that the Tribunal should dismiss the application, and provided the Tribunal with a Joint Minute of Agreement to that effect.

## **Statement of Reasons**

Section 16 of the *Housing (Scotland) Act 2014* provides as follows:

“16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of schedule 1 makes minor and consequential amendments.”

Accordingly, the Tribunal now has jurisdiction in relation to claims by a landlord (such as the Applicant) for payment of unpaid rental against a tenant (such as the Respondent) under a short assured tenancy such as this.

In light of the Joint Minute provided by the parties to the Tribunal, the Tribunal will dismiss this application.

## **Decision**

In these circumstances, we will dismiss 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.

Neil Kinnear

25/09/18

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Legal Member/Chair

\_\_\_\_\_  
Date