



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 111 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/21/0599**

**Re: Property at 10 Carron Den Way, Stonehaven, AB39 2QS (“the Property”)**

**Parties:**

**Osprey Initiatives Limited, 22 Abercrombie Court, Westhill, Aberdeen, AB32 6FE (“the Applicant”)**

**Ms Nicola Cowling, 10 Carron Den Way, Stonehaven, AB39 2QS (“the Respondent”)**

**Tribunal Members:**

**Jan Todd (Legal Member)**

**Decision (in absence of the Respondent)**

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

- **Background**

1. This was a continued case management discussion (CMD) to consider the application by the Applicant for an order for payment in respect of rent arrears arising out the tenancy by the Respondent of the Property from the Applicant.
2. At the previous CMDs the Applicant have been represented latterly by Mr Gray of the Applicants. The Respondent has not attended any of the CMDs but had sent an e-mail claiming to have sent documentation to the Tribunal regarding “payment order information” and indicating there was an agreement between the parties. No correspondence was ever been received by the Tribunal.
3. It was clarified at the last CMD of 21<sup>st</sup> July 2021 that although the Respondent had not paid the sums towards the arrears that had been agreed, the Applicants had received an offer of payment from the Tenant Hardship Loan

Fund and they wished to accept it. It was also noted the arrears had increased to £4,480 but as the Applicant had not sought an increase in the sum claimed he could not ask for an order for that sum. The Case was continued to allow the Applicant to accept the offer from the Tenants hardship loan fund of £3,428.16 and to clarify what final sum they would then seek. Mr Gray was advised this would be the final continuation as the Tribunal does not grant continuations to monitor payments.

### **The CMD**

4. The CMD took place by teleconference at 10am on 1<sup>st</sup> September 2021. The Applicant was represented by Mr Gray the letting manager of the Applicant and the Respondent did not attend.
5. The legal member summarised the position and asked Mr Gray what the up to date position was regarding the arrears of rent and what he was seeking today.
6. Mr Gray advised that there had been an administrative error with tenants hardship loan and so he had not yet received the sums offered, but that he was now confident he would receive the loan funds to put towards the Respondent's arrears shortly. He then advised that as this would substantially reduce the arrears he was asking for the case to be dismissed on the basis that he has reached an agreement with the Respondent for the payment of the balance of the arrears which will be £1051.84 after the payment of £3,428.16 is received.
7. He also advised that the Respondent has paid the last month's rent and he is confident this will now continue so he confirmed that the Applicants will not be pursuing an action of eviction at the current time either.

### **Facts**

8. Payment terms have been agreed between the parties.

### **Reasons**

9. As the Applicant has requested dismissal of the case as they have reached an agreement on payment of the arrears with the Respondent, the Tribunal agrees that dismissal is appropriate.

### **Decision**

10. Proceedings 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.

**J Todd**

Legal Member/Chair

1<sup>st</sup> September 2021  
**Date**