



Decision 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/21/1402

Re: Property at 3 Raxton Steading, Tarves, Ellon, AB41 7LD (“the Property”)

Parties:

Lord Marquess Of Aberdeen Lord George Ian Alastair, Estates Office, Mains Of Haddo, Tarves, Ellon, AB41 7LD (“the Applicant”)

Mr Anshuman Mathur, 3, Raxton Steading, Tarves, Ellon, AB41 7LD (“the Respondent”)

Tribunal Members: Shirley Evans (Legal Member) and Leslie Forrest (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of FIVE THOUSAND (£5000) STERLING from the date of this decision until payment. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

- 1. This is an action for recovery of rent arrears which proceeds under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The case was defended by the Respondent and after a Case Management Discussion on 18 August 2021 the matter was assigned for a Hearing for evidence to be led.**
- 2. Hearings had been assigned to proceed on 15 November 2021 and 17 January 2022. The Hearing of 15 November 2021 was discharged for the Respondent to lodge a full written response, for the Applicant is to lodge a**

Schedule of Repairs and for both parties to lodge further productions and submissions.

3. The Hearing of 17 January 2022 was discharged to 29 March 2022 for a settlement agreement to be finalised between the parties.

Hearing

4. On 28 March 2022 the Tribunal received an email from the Respondent's solicitor to advise parties had now entered into a settlement agreement and had reached a joint position on the disposal of the action. A signed Joint Submission requesting that the sum claimed be reduced and that an order for payment for £5000 be granted in favour of the Applicant. The Applicant's solicitor was copied into this email. Finally, the Respondent's solicitor requested that if possible the matter be dealt with administratively.
5. The Tribunal was able to consider the parties' request ahead of the Hearing without either party having to appear. In all the circumstances the Tribunal discharged the Hearing assigned for 29 March 2022, considered the parties' Joint Submission and made an order for payment in the sum of £5000 in accordance with the Joint Submission.

Outcome

6. The Tribunal made an order for payment in favour of the Applicant for £5000

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

S. Evans

29 March 2022

Legal Chair

Date