



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/18/2833

Re: Property at 229/5 West Granton Road, Edinburgh, EH5 1JG (“the Property”)

Parties:

Mrs Lee Morgan, 1 Granton Mill March, Edinburgh, EH4 4US (“the Applicant”)

Mr Alan Watson, C/O 66 Gilmerton Dykes Drive, Edinburgh, Eh17 8LF (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

This Application called for a Case Management Discussion at 10 am on 16 January 2019 in George House, 126 George Street, Edinburgh. Both parties were personally present.

The Tribunal noted at the outset that the Application had been brought in respect of Rule 111. That Rule relates to Private Residential Tenancies. This case actually relates to a Short Assured Tenancy. It should have been brought under Rule 70. The Tribunal considered that there would be no prejudice in the Tribunal itself amending the Application to proceed under Rule 70. Accordingly the Tribunal made this amendment at the outset of the Hearing.

Both parties explained their position regarding the alleged rent arrears and other expenses that were claimed by the Applicant to be due. It quickly became apparent that both parties actually agreed that £1,310.00 was due in rent arrears and that any other expenses claimed would be written off. Both parties confirmed they were

happy with a Payment Order being made for £1,310.00. Accordingly, the Tribunal made a Payment Order against the Respondent for the sum of £1,310.00.

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.

Andrew McLaughlin

Legal Member/Chair

16/1/19

Date