

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 70 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/23/3840**

**Re: Property at Flat 6, St Mary's Walk, Kirkcudbright, DG6 4DS ("the Property")**

**Parties:**

**Mrs Catherine Robertson, Mr William Johnston, Zetland Court, Keswick Drive,  
Southernness, DG2 8AZ ("the Applicants")**

**Mr Andrew May, Flat 6, St Mary's Walk, Kirkcudbright, DG6 4DS ("the  
Respondent")**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Elaine Munroe (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that an order for payment should be made.**

**Background**

1. On 27<sup>th</sup> October 2023 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 ("The Rules"), seeking an order for payment.
2. Lodged with the application were: -
  - i. Copy Private Residential Tenancy Agreement showing a commencement date of 17<sup>th</sup> December 2018 and a rent of £350.06 per month;
  - ii. Copy rent statement to 27<sup>th</sup> October 2023
3. The Application was served on the Respondent by Sheriff Officers on 3<sup>rd</sup> January 2024.

The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss McNiven of Harper McLeod, Solicitors. The Respondent did not attend and was not represented.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

Miss McNiven asked that an order be granted for payment, in the amount of £9801.75, being the sum due as at today's date. As no request to amend in terms of Rule 14A had been made, and no up to date rent statement lodged, the Tribunal were only prepared to grant an order for the amount contained in the application, being £8401.55.

### **Findings in Fact**

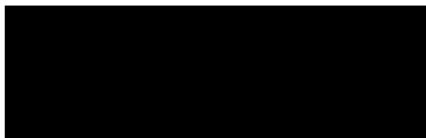
1. The parties entered in to a tenancy agreement for rent of the property;
2. The monthly rent was £350.06;
3. On 27<sup>th</sup> October 2023 the rent arrears owed were £8401.55.

### **Reasons for Decision**

The Respondent owes rent to the Applicant as at 27<sup>th</sup> October 2023 in the amount of £8401.55.

### **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.**



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**Legal Member/Chair**

19 February 2024

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**Date**