



**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/22/3626**

**Re: Property at 126 Croft Street, Galashiels, TD1 3BP (“the Property”)**

**Parties:**

**Mr Colin Green, 9B Whytbank Row, Clovenfords, Galashiels, TD1 3NE (“the Applicant”)**

**Mr John Livesey and Miss Laura Louise Hall, 10 Rose Court, Galashiels, TD1 2EW (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Robert Buchan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a Hearing and made an Order for payment by the Respondents to the Applicants of £635.67.**

**Background**

By application, dated 28 September 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicant. The sum sought was £635.67.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing in February 2020 at a rent of £437.24 per 4-week period. The Applicant also provided a Rent Statement showing arrears as at 28 September 2022 of £635.67.

On 29 November 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written

representations by 20 December 2022. The Respondents did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 1 February 2023. The Applicant was represented by Miss Julia Grierson of Lowrie Property Limited, Hawick. The Respondents were also present.

The Applicant's representative told the Tribunal that the amount outstanding was still £635.67. The Respondents admitted the debt and told the Tribunal that the only way they could repay it was by instalments. It was agreed between the Parties that the Respondents would contact the Applicant's representatives with any proposal they wished to make, to enable the Applicant's representative to take instructions from the Applicant. The Applicant's representative still wished the Order for Payment to be made.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondents to the Applicant and that an Order for Payment should, therefore, be made. The Respondents had not taken the opportunity prior to the Case Management Discussion of applying to pay by instalments, so the Tribunal was unable to incorporate an instalment payment provision within its Decision.

### **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.**

# G. Clark

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Legal Member/Chair

1 February 2023  
Date