



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/23/4495**

**Re: Property at 12 Dundonnie Street, Boddam, Peterhead, AB42 3NT (“the  
Property”)**

**Parties:**

**Mr Nigel Atkinson and Mrs Mammie Atkinson, 16 Merchant Street, Peterhead,  
AB42 1DU (“the Applicants”)**

**Mr John Roy, 12 Dundonnie Street, Boddam, Peterhead, AB42 3NT (“the  
Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Ahsan Khan (Ordinary Member)**

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

At the Case Management Discussion (“CMD”), which took place by telephone conference on 6 June 2024, the Applicants were represented by Ms Rachel Bruce of Stewart & Watson, Solicitors, Peterhead. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

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

**Background**

The tribunal noted the following background:-

- i. The Applicants leased the Property to the Respondent in terms of a Short Assured tenancy ("the SAT"). The initial term of the SAT was 30 June 2017 to 30 December 2017 and the SAT has continued month to month thereafter,
- ii. The rent payable in terms of the SAT was agreed to be £550 per month.
- iii. On 15 September 2023, the Applicants served on the Respondent by recorded delivery post a Notice to Quit and Notices under Sections 18 and 33 of the Housing (Scotland) Act 1988 requiring the Respondent remove from the Property by 30 November 2023.
- iv. That the Applicants served on Aberdeenshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

### **The CMD**

At the CMD Ms Bruce for the Applicants explained the backdrop to the Applicants accepting reduced rent of £275 per month from the Respondent from around 2020. At that time the Respondent had lost his job due to COVID, was on a low income being paid cash in hand for work done and also being in receipt of certain state benefits.

Notwithstanding that the Respondent had also defaulted in payment of these reduced sums Ms Bruce reported that the Respondent is now back in full time employment and is making payments. The Applicants have agreed with the Respondent that his rent will go back up to £550 per month from 30 June 2024 and they also agreed with him not to seek an eviction order at the CMD.

Ms Bruce invited the tribunal to continue the CMD to September or October 2024 to monitor the Respondent's payments. The tribunal intimated it was not prepared to continue the application on that basis. Ms Bruce therefore asked that the application be dismissed and the tribunal agreed to do so.

### **Decision**

The application is 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.**

Gillian Buchanan

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Legal Member/Chair

6 June 2024  
Date