



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/4186**

**Re: Property at 2 Burnend Cottages, Dufftown, Banffshire, AB55 4BU (“the Property”)**

**Parties:**

**Glenrinnes Estate, The Estate Office, Inkersall Farm, Inkersall Lane, Bilsthorpe, Newark, NG22 8TL (“the Applicant”)**

**Mr Marley Atkins, Ms Samantha Box, 2 Burnend Cottages, Dufftown, Banffshire, AB55 4BU (“the Respondents”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Mike Scott (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are liable to the Applicant in the expenses associated with preparation for and attendance at the Hearing on 29 August 2024; Allowed an account thereof to be given in and Remit the same, when lodged, to the Auditor of the Court of Session to tax and report.**

**Statement of Reasons**

1. This Application called for a hearing on expenses on 30 January 2025 by teleconference call. The Applicant was represented by Mr Woodcock. The Respondents were not present or represented.
2. On 29 August 2024, the Tribunal granted the Application and found the Respondents liable to the Applicant under Rule 40 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 for the expenses associated with preparation and attendance at the Hearing.

3. Having determined that the Respondents were liable in the expenses, the Tribunal ought to have allowed the Applicant to lodge an account of expenses and remitted the account to the Auditor of the Court of Session to tax and report. What the Tribunal did instead was direct that an account of expenses be lodged to allow the sum of expenses to be determined. That was, with hindsight, an unfortunate phrasing of the order.
4. The Applicant has lodged a letter containing what it contends to be an account of expenses. It does not appear to have been prepared with reference to the Taxation of Judicial Expenses Rules 2019.
5. In all of the circumstances, the Tribunal determined that the appropriate next step would be for the Tribunal to allow the Applicant to lodge an account of expenses, and to remit same to the Auditor of the Court of Session to tax and report, as required by Rule 40.

### **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.**

# A Upton

30/1/25

Legal Member/Chair

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Date