



**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/24/3428

**Re: Property at Cranham Cottage, 1 The Steading, Nigg Mains, Nigg, IV19 1QR
("the Property")**

Parties:

**Mr David Moore, Mrs Jane Moore, 111 Leckhampton Road, Cheltnam,
Gloustershire, GL53 0DQ; 111 Leckhampton Road, Cheltenham,
Gloucestershire, GL53 0DQ ("the Applicant")**

**Mr Derek Morrison, Mrs Veronica Morrison, 8 Quarry Lane, Tain, IV19 1EN; 8
Quarry Lane, Tain, IV19 1EN ("the Respondent")**

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to make a payment order in the sum of Nine thousand nine hundred pounds (£9900) Sterling

Background

- 1 This is an application under Rule 70 of the First-tier Tribunal for Scotland Rules of Procedure 2017 ("the Rules") and section 16 of the Housing (Scotland) Act 2014. The Applicants sought an order for payment against the Respondents in respect of unpaid rent. In support of the application, the Applicants provided a rent statement, a copy of the tenancy agreement between the parties and evidence of rent increases.
- 2 The application was referred to a Case Management Discussion ("CMD") to take place by teleconference on 4 March 2025. Notification of the CMD was given to the parties under Rule 17(2) of the Rules. Said notification was served upon the

Respondents by sheriff officers on 23rd January 2025. Both parties were invited to make written representations.

- 3 On 26 February 2025 the Applicants' representative, Miss Di Carlo of Harper McLeod Solicitors, emailed an updated rent statement to the Tribunal.
- 4 No written representations were received from the Respondents.

The CMDs

- 5 The first CMD took place on 4 March 2025. The Applicants were in attendance and represented by Miss Di Carlo. The Respondents did not join the call. The Tribunal allowed a short delay in the commencement time of the CMD before proceeding with the discussion in their absence. Having heard submissions from Miss Di Carlo, the Tribunal determined to adjourn the CMD to allow the Applicants the opportunity to amend the sum claimed. The Tribunal gave notification of the adjourned CMD to the parties in accordance with Rule 17(2) of the Rules.
- 6 The Tribunal subsequently received an application from the Applicants seeking to amend the sum claimed to £9900. The application was intimated upon the Respondents.
- 7 The second CMD took place on 16 June 2025. The Applicants were in attendance and represented by Miss Di Carlo. The Respondents did not join the call. The Tribunal delayed the start time of the CMD before determining to proceed in their absence, noting that they had received proper notification under Rule 17(2) of the Rules.
- 8 The Tribunal heard submissions from Miss Di Carlo. She confirmed that the Applicants sought a payment order in the sum of £9900. An eviction order was previously granted by the Tribunal in respect of the property, and enforced on 12 May 2025. The Respondents had remained in the property up until that date. The Applicant was seeking the sum of £9900, being rent due up until the date of termination of the tenancy on 6 April 2025, and violent profits for the Respondents' continued occupation up until enforcement of the eviction order on 12 May 2025. There had been no payments from the Respondents.

Findings in fact

- 9 The Applicants are the registered owners of the property. The Applicants are registered landlords.
- 10 The Applicants and Respondents entered into a tenancy agreement in respect of the property, which commenced on 15 June 2010.
- 11 The tenancy between the parties was a short assured tenancy as defined by section 32 of the Housing (Scotland) Act 1988.

- 12 In terms of Clause 5(a) of the said tenancy agreement the Respondents undertook to pay rent at the rate of £550 per calendar month.
- 13 The tenancy between the parties terminated on 6 April 2025.
- 14 The Respondents continued to occupy the property up until 12 May 2025.
- 15 The Respondents are due to pay the sum of £9900 to the Applicants under the terms of the said tenancy agreement, and in respect of their unlawful occupation of the property between 6 April 2025 and 12 May 2025.
- 16 Despite repeated requests the Respondents have refused or delayed to make payment of the sum due.

Reasons for decision

- 17 The Tribunal was satisfied it had sufficient information before it to make relevant findings in fact and reach a decision on the application having regard to the application paperwork and the submissions heard at the CMD. In terms of Rule 17(4) and Rule 18(1) of the Rules the Tribunal determined that it could make a decision at the CMD as there were no issues to be resolved that would require a hearing and the Tribunal was satisfied that to make a decision would not be contrary to the interests of the parties. The Tribunal had given the Respondents the opportunity to make written representations, and to attend the CMD, but they had chosen not to do so.
- 18 Based on the application paperwork the Tribunal was satisfied that the Respondents had a contractual obligation under the terms of the tenancy agreement to pay rent as reflected in the Tribunal's findings in fact, and that they had failed to do so, which had led to arrears accruing in the sum of £9350 as at the termination of the tenancy. The Tribunal was also satisfied that the Respondents had unlawfully occupied the property between 6 April 2025 and 12 May 2025, and that the Applicants were entitled to payment equivalent to the rent due because of their inability to let the property during that time. The Respondents had not sought to produce any contradictory evidence to counter the Applicant's position, which the Tribunal accepted as fact.
- 19 The Tribunal therefore made an order for payment in the sum of £9900.

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.

R O'Hare

16 June 2025

Legal Member/Chair

Date