



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Housing (Scotland) Act 2014 (“the Act”) and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/24/5837**

**Re: Property at 1 Over Roxburgh Farm Cottages, Kelso, TD5 8LY (“the Property”)**

**Parties:**

**Firm of Roxburghe Estates - Roxburghe 1975 T, Estate Office, Kelso, TD5 7SF (“the Applicant”)**

**Mr Iain Murray, present whereabouts unknown, (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that determined that an Order for payment of ONE THOUSAND ONE HUNDRED AND SEVENTY EIGHT POUNDS AND THIRTY NINE PENCE (£1,178.39) sterling be granted.**

1. By application received on 23 December 2024, (“the Application”), the Applicant applied to the Tribunal for an Order for payment of rent due and owing by the Respondent to the Applicant in respect of a tenancy between them.
2. The Application comprised evidence of a tenancy agreement between the Parties and a rent statement showing arrears of rent amounting to £1,178.39 to 10 December 2024 after deduction of the tenancy deposit. Compliance with the pre-action protocol was lodged with the Application.
3. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 24 July 2025 at 14.00 by telephone

conference. The CMD was intimated to the Parties and to the Respondent, in particular, by advertisement on the tribunal chamber website.

### **CMD**

4. The CMD took place on 24 July 2025 at 14.00 by telephone. The Applicant was represented by Miss S. Finlayson accompanied by her colleague, Miss Edgar. The Respondent did not take part and was not represented. The Tribunal was satisfied that the Respondent had been notified of the proceedings and his requirement to attend and so proceeded in his absence.
5. Miss Finlayson confirmed the Order sought and advised the Tribunal that no further payments had been received.

### **Findings in Fact**

6. From the Application and the CMD, the Tribunal made the following findings in fact,:-
  - i) There had been a tenancy of the Property between the Parties ha ending on 10 December 2024
  - ii) The Respondent accrued rent arrears amounting to £1,978.39 to that date;
  - iii) A tenancy deposit of £800.00 was applied to the amount owed;
  - iv) The sum due by the Respondent is £1,178.39;
  - v) The Applicant is entitled to an Order for £1,178.39.

### **Decision and reasons for the decision**

7. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussion .....including making a decision” Having found in fact that the Respondent is due and owing to the Applicant for the sum of £1,178.33, the Tribunal proceeded to make an order for payment in this sum.

### **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.**

# **Karen Moore**

**Date 24 July 2025**

