

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/5256

Re: Property at 14 Fruithill, Forfar, DD8 1JT (“the Property”)

Parties:

Byars Lowson Real Estate Pty Ltd, Parklea, 18 St James Road, Forfar, DD8 1LG (“the Applicant”)

Ms Claire Jones residing at 14 Fruithill, Forfar, and Mr Mark Dean residing at 11 Kemsley Place, Forfar, DD8 1HD (“the Respondents”)

Tribunal Members:

Andrew Cowan (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of Ms Claire Jones – the First Named Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application was withdrawn.

1. By an application dated 29th January 2025 (“the Application”), the Applicant sought an order for payment of £2210.00 from the Respondents, in respect of rent arrears.
2. A Case Management Discussion (CMD) took place on 7th July 2025 by telephone conference call. The Applicant was represented by Mrs Laura Weir of Direct Lettings (Scotland) Limited.
3. Mr Mark Dean (the second named Respondent) also joined the CMD conference call.
4. Ms Claire Jones (the first Named Respondent) did not join the CMD conference call

5. This application was considered along with an action for eviction (Tribunal Reference FTS/HPC/EV/24/5066). That application was dismissed by the Tribunal. A separate decision has been issued in relation to that application.
6. At the CMD the Second Named Respondent explained that he had removed from the Property in August 2019. He explained that he had notified the Applicant's representative, in a telephone call, of this fact at that time. He did not consider that he should be held liable for any rent arrears accrued by the First Named Respondent (who continued to occupy the Property) from August 2019.
7. The Applicant's representative explained that the Applicant did not wish to proceed with the application for payment against the Second Named Respondent. The Applicant does wish to seek payment of an increased amount of rent arrears from the First Named Applicant only. In these circumstances the Applicant's representative accepted that she would not insist upon any order under this application. The Applicant intends to raise a new application against only the First Named Respondent.

Decision

8. The Tribunal accordingly dismiss the action. The decision of the Tribunal is unanimous.

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 Cowan

7th July 2025

Legal Member/Chair

Date