



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 39 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 ("the Rules") and Section 44 of the Tribunals (Scotland) Act 2014 ("the 2014 Act")

Chamber Ref: FTS/HPC/CV/24/3886

Re: Property at Tythehouse No8, Tythehouse, Bonchester Bridge, Hawick, Roxburghshire, TD9 9TJ ("the Property")

Parties:

Mr Robin Feakins, Harwood House, Bonchester Bridge, Hawick, Roxburghshire, TD9 9TL ("the Applicant")

Mrs Della Murray, Windmill View, Station Road, Oxton, Laider, Berwickshire, TD2 6PW ("the Respondent")

Tribunal Members:

Ruth O'Hare (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), having reviewed its decision dated 30 April 2025, determined to take no action.

Background

- 1 This is an application for payment order under rule 111 of the Rules and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
- 2 By decision dated 30 April 2025 the Tribunal made a payment order in the sum of £6000 following a case management discussion ("CMD"). The Respondent did not attend the CMD.
- 3 On 9 June 2025 the Tribunal received a letter from the Respondent. The Respondent explained that she had not been given time to prepare for the CMD, nor seek legal representation. She had not received previous correspondence from the Tribunal and disputed there was rent outstanding.

She made reference to a police investigation and an alleged breach by the Applicant regarding her tenancy deposit.

- 4 On 14 July 2025 the Tribunal gave notice to parties under rule 39(4) of the Rules proposing to review the decision of 30 April 2025. A hearing was thereafter scheduled for 22 August 2025 for the Tribunal to hear from the parties on the review.
- 5 Following a request from the Respondent, the Tribunal agreed to postpone the hearing. The Respondent stated that she would be unable to attend due to work commitments.
- 6 The rescheduled hearing took place on 15 December 2025. The Respondent did not join the call. The Applicant was represented by his wife, Wendy Feakins, who was accompanied by her two sons.

Reasons for decision

- 7 Having reviewed the decision of 30 April 2025, the Tribunal has determined to take no action. The Respondent has presented no evidence to suggest that it would be in the interests of justice for the decision to be reviewed. She has presented no arguable defence to the application. She has been given ample opportunity to participate in the proceedings and provided no explanation for her absence at the hearing on 15 December 2025.
- 8 Accordingly, the Tribunal has determined to take no action regarding its decision of 30 April 2025. This means that the order will remain enforceable by the Applicant.

Ruth O'Hare

15 December 2025

Legal Member/Chair

Date