



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/25/2614**

**Re: Property at 38 Bo'mains Road, Bo'ness, EH51 0LW ("the Property")**

**Parties:**

**Mr Robert Morrison, Mrs Elissa Morrison, 38 Bo'mains Road, Bo'ness, EH51 0LW ("the Applicant")**

**Mr Scott McCluskey, Miss Marlyn Wotherspoon, 48 Birkhill Crescent, Bo'ness, EH51 9HP ("the Respondent")**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that**

**BACKGROUND**

1. By lease dated 8<sup>th</sup> and 10<sup>th</sup> August 2022 the Applicants let the Property to the Respondents.
2. The start date of the tenancy was 10<sup>th</sup> August 2022.
3. Rent was payable at a rate of £775.00 per calendar month.
4. As at the date of termination of the tenancy, the Respondents were in arrears of rent. Following the tenancy deposit being paid to the Applicants arrears of rent amounted to £5,085.14.

5. The keys for the Property were not returned to the Applicants. The Applicants required to replace locks at the Property at a cost of £114.00.
6. The Property was left unclean, untidy, in need of redecoration and with the garden overgrown and with refuse within it. The cost of dealing with those matters amounted to £3,000.00.
7. Carpets within the Property were damaged. Carpets require to be replaced at a cost of £2,200.00.
8. The Applicants presented an application to the Tribunal seeking an order for payment. The total amount claimed is £10,399.14.
9. The Respondents each submitted a time to pay request. Each Respondent sought to pay at £50.00 per month.
10. These applications for a time to pay direction were opposed by the Applicants having regard to the amount claimed to and the length of time it would take for full payment to be made at that rate.
11. The Respondents thereafter submitted correspondence to the Tribunal intimating that they “are looking to enter into Bankruptcy.” (sic).

## **THE CASE MANAGEMENT DISCUSSION**

12. The first named Applicant, Mr R Morrison, attended the Case Management Discussion by teleconference. The Second named Respondent did not participate. Both Applicants were represented by Mr Fraser of Paul Rolfe Lettings.
13. The Respondents did not participate in the case management discussion. They had, however, each submitted an application for a time to pay direction to the Tribunal, clearly indicating they had received intimation of the proceedings. Separately, the Tribunal was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondents. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the Respondent had received intimation of the date and time of the Case

Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondents in accordance with Rule 29 of the FTT regs;

14. In the absence of any appearance by or on behalf of the Respondents, and having regard to the applications for a time to pay direction by each of the Respondents, thereby indicating an acceptance of the amount claimed, the Tribunal granted a payment order in the sum of £10,399.14.

## **DECISION**

The Tribunal granted an order against the Respondents jointly and severally and severally for payment of the sum of TEN THOUSAND THREE HUNDRED AND NINETY NINE POUNDS AND FOURTEEN PENCE (£10,399.14) STERLING to the Applicants

### **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.**

# V.Crawford

27<sup>th</sup> March 2026

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Legal Member/Chair

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Date

