



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016.**

**Chamber Ref: FTS/HPC/CV/21/1645**

**Re: Property at 33 Meldrum Road, Kirkcaldy, KY2 5HX (“the Property”)**

**Parties:**

**Mrs Anne Speed, 3 Seafield Court, Kirkcaldy, KY1 1SN (“the Applicant”)**

**Mr Francis Bremner, 33 Meldrum Road, Kirkcaldy, KY2 5HX (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and David Fotheringham (Ordinary Member)**

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

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

**Background**

This Application is for a Payment Order in the sum of £3,875.00 said to be due by the Respondent to the Applicant in respect of rent arrears accrued by the Respondent under a tenancy at the Property.

**The Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 20 October 2021. The Application called alongside the related Application with reference FTS/HPC/EV/21/1644 which related to an Eviction Order.

The Applicant was present together with a supporter. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the

conference call had been properly served on the Respondent by Sheriff Officers and the Tribunal therefore considered it appropriate to proceed in the absence of the Respondent.

At the outset the Applicant had advised that a substantial payment had been made in respect of the rent arrears and the Applicant no longer wished to proceed with the Application.

The Tribunal asked the Applicant if she simply wished for the Tribunal to refuse the Application and she answered in the affirmative.

#### **Decision.**

The Tribunal accordingly refused the Application.

#### **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.**

20 October 2021

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**Legal Member/Chair**

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**Date**