

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Decision with Statement of Reasons the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules**

**Chamber Ref: FTS/HPC/CV/23/1848**

**Re: Property at Flat 2/1 700 Tollcross Road, Glasgow, G32 8TB (“the Property”)**

**Parties:**

**Mrs Shonagh Macvicar and Mr David MacVicar, both residing at Villa 1 352016949, St Jumeira Third, Dubai, 352 18D, United Arab Emirates (“the Applicants”) per their agents DJ Alexander John Cotton Centre, 10 Sunnyside, Edinburgh, EH7 5RA (“ the Applicants’ Agents”)**

**Ms Emmajane Tibbles, formerly residing at Flat 2/1 700 Tollcross Road, Glasgow, G32 8TB (“the Respondent”)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of ONE THOUSAND THREE HUNDRED AND SIXTY FIVE POUNDS AND NINETY TWO PENCE (£1,365.92) Sterling be granted.**

**Background**

1. By application dated 6 June 2023 (“the Application”), the Applicants’ Agents applied to the Tribunal for an Order for payment of rent arrears arising from a tenancy between the Parties. The Application comprised statement of rent of £1,530.00 due and owing to the end of the tenancy and copy tenancy agreement. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 14 August 2023 at 10.00 by telephone conference. The CMD was intimated to the Parties.
2. Prior to the CMD, the Applicants’ Agents amended the sum sought to £1,365.92 being the sum due by the Respondent to 21 June 2023, the date of her leaving the Property.

**CMD**

3. The CMD took place on 14 August 2023 at 10.00 by telephone conference. The Applicants did not take part and were represented by Mr. Bar of the Applicants’ Agents. The Respondent did not take part and did not submit written representations. The Tribunal was satisfied that the Respondent was aware of the proceedings and so proceeded in her absence.

4. Mr. Bar confirmed the sum sought is £1,365.92 to the end of the tenancy.

#### **Findings in Fact**

5. 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 which ended on or around 21 June 2023;
  - ii) Rent amounting to £1,365.92 is due and owing to the Applicants by the Respondent in respect of that tenancy.

#### **Decision and Reasons for Decision**

6. Having found that no sums are due by the Respondent to the Applicant, the Tribunal having 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”, granted the order as sought.

#### **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**

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**Legal Member/Chair**

**14 August 2023**  
**Date**