



**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/22/2440**

**Re: Property at 5 Gilmour Crescent, Lossiemouth, IV31 6HF (“the Property”)**

**Parties:**

**Mr Edward Nicol, Mrs Ailsa Nicol, Rinlaggan, Pluscarden, Elgin, IV30 8TZ (“the Applicant”)**

**Mr William Bush, Miss Jasmine Wood, 5 Gilmour Crescent, Lossiemouth, IV31 6HF (“the Respondents”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondents to the Applicant in the sum of £477.82.**

**Background**

1. By application dated 21 July 2022 the Applicant’s representatives, Cluny Estate Agents, Elgin applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. Following further correspondence between the Applicant’s representatives and the Tribunal administration the Applicant’s representatives submitted an amended application dated 18 August 2022.

3. By Notice of Acceptance dated 14 September 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
4. Intimation of the CMD was served on the Respondent by Sheriff Officers on 17 October 2022.
5. By email dated 15 November 2022 the Applicant’s representatives advised the Tribunal that the Respondents’ deposit had been paid from a tenancy deposit scheme to the Applicant and the sum now claimed had been reduced to £477.82.
6. A Case Management Discussion (“CMD”) was held by teleconference on 18 November 2022. Both parties were in attendance. The Respondents accepted there was a debt but wished time to consider the rent statement and to make proposals for settlement. The CMD was continued to allow the Respondents to consider the revised rent statement and to decide if they wished to submit an application for a Time to Pay Direction.

### **The Case Management Discussion**

7. A CMD was held by teleconference on 24 February 2023. The Applicant was represented by Mr Beck of Cluny Estate Agents, Elgin. The Respondents did not attend nor were they represented. The Tribunal being satisfied that the Respondents were aware of the date and time of the CMD determined to proceed in their absence.
8. Mr Beck advised the Tribunal that the rent arrears amounted to £477.82. He said that the Respondents were aware of the claim and had been contacted by email for their proposals for payment but had not replied and he asked the Tribunal to grant an order for payment in the sum of £477.82.

### **Reasons for Decision**

9. The Tribunal was satisfied from the written representations and documents submitted by the Applicant’s representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £477.82.

## **Decision**

10. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £477.82

## **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.**

**Graham Harding  
Legal Member/Chair**

**24 February 2023  
Date**