



**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/23/2153**

**Re: Property at 79 Kingsmills, Elgin, Moray, IV30 4BX (“the Property”)**

**Parties:**

**Mrs Marion George, South Cottage, Crofts of Dipple, Fochabers, Moray, IV32 7LL (“the Applicant”)**

**Mr Duncan Ross, Ms Stacey Strang, 9 Pinegrove, Elgin, IV30 6HP (“the Respondents”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

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

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in the sum of £4,493.20 with interest at the rate of 8 per cent per year from today’s date until payment.**

**Background**

[2] The Applicant seeks a Payment Order against the Respondents in respect of rent arrears said to have been accrued by the Respondents under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and a rent statement. The Applicant had competently applied to amend the sum claimed to the figure of £4,493.20 in advance of the Case Management Discussion (CMD).

**The Case Management Discussion**

[3] The Application called for a CMD by conference call at 10 am on 24 January 2024. The Applicant was represented by Ms Wooley of BKF Solicitors. There was no appearance by or on behalf of the Respondents. The Application had been competently served on the Respondents by Sheriff Officers at their home addresses. The Tribunal therefore decided to proceed in their absence. Having heard from Ms Wooley, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy Agreement;*
- II. *The Respondents vacated the Property with the sum of £4,493.20 resting owed as rent arrears to the Applicant.*

### **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £4,493.20 with interest at the rate of 8 per cent per year from today's date until payment.

### **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.

**Andrew McLaughlin**

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Legal Member/Chair

24 January 2024  
Date