



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/25/2910**

**Re: Property at Little Wellfield, Ord Hill, Fortrose, Ross-Shire, IV10 8SH (“the Property”)**

**Parties:**

**Mr Norman Bremner, Mrs Paula Bremner, Bremclay House, Drum Farm, Avoch, IV9 8RP (“the Applicant”)**

**Mr John Fox, 25 Baluachrach, Culbokie, IV7 8FD (“the Respondent”)**

**Tribunal Members:**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of TWO THOUSAND FIVE HUNDRED SEVENTY POUNDS (£2,570.00) STERLING.**

**Background**

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application included:
  - a. Tenancy agreement,

- b. Rent statements
  - c. Rent arrears emails
  - d. Payment plan
3. The applicant's agent, Ms Black from Scottish Highland Property Services, appeared. There had been a previous case management discussion on 5 January 2025. On the morning of that case management discussion, the respondent had emailed seeking an adjournment, providing personal reasons. The adjournment was granted. He appeared to dispute the sums claimed. The tribunal issued a direction ordering the respondent to set out his position in writing if he opposed the application. There was no response from the respondent to the direction. Notice of the case management discussion taking place on 9 March 2026 had been issued to the respondent. There was no appearance by the respondent on 9 March 2026. The tribunal was prepared to proceed in his absence

#### Discussion

4. The applicant's agent advised that she was seeking a payment order of £2,570.00. She advised that she had submitted a tenancy agreement and rent statement. The rent arrears had been £3,870. The deposit had been claimed by the applicants; it had been for £1,300. The deposit had been used to reduce the rent arrears to £2,570. This sum was still outstanding.

#### Findings in Fact

5. The Tribunal found the following facts established: -
- 6. There had existed a private residential tenancy between the Applicant and the Respondent.
  - 7. The tenant was John Paul Fox.
  - 8. The landlord was Norman Bremner and Paula Bremner.
  - 9. The property is Little Wellfield, Ordhill, Fortrose.
  - 10. Rent per month was £670.00.

11. The tenancy ended in May 2025.
12. There are rent arrears of £2,570.00 due by the tenant.
13. There is a rent statement showing the rent due and payments missed, and the running total of arrears.

#### Reasons for Decision

14. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, liability for failure to pay contractual rent, if such a matter arises out of that contract.
15. The applicant's agent appeared. The respondent did not appear. The applicant's agent confirmed that she sought an order for payment. The tenancy contract provided that the rent was £670 per month. The tenancy had ended in May 2025. In May 2025 the rent arrears due were £3,870.00. The deposit of £1300 had been recovered and put towards reducing the rent arrears. The rent still outstanding was £2,570.00. A rent statement had been provided in support of the application. As there were outstanding rent arrears and as they were due in terms of the contract, the tribunal made an order for payment.

#### Decision

16. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to grant an order in favour of the Applicant against the Respondent for payment of TWO THOUSAND FIVE HUNDRED SEVENTY FIVE POUNDS (£2,570.00) STERLING.

#### **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.**

**Melanie Barbour**

**Legal Member/Chair**

**Date 10 MARCH 2026**