



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

**Chamber Ref: FTS/HPC/CV/22/2082**

**Re: Property at 54 Macdonald Terrace, Lochgilphead, PA31 8TE (“the Property”)**

**Parties:**

**Mrs Lyndsay Martin, 7 Dun More Avenue, Argyll, Kilmorry, Lochgilphead (“the Applicant”)**

**Mr Kevin Agnew, Mrs Shiree Agnew, 2 Lochfyne Terrace, Ardrishaig, PA30 8EG (“the Respondents”)**

**Tribunal Member : Richard Mill (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) Dismisses the application**

In these proceedings the applicant sought a payment order relating to arrears of rent under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

A Case Management Discussion took place by teleconference on 17 October 2022 at 10.00 am. In the absence of the respondents the tribunal determined that an order be granted against the Respondents for payment to the Applicant of the sum of One Thousand Five Hundred and Thirteen Pounds and Eighty Pence (£1,513.80).

The respondents thereafter sought recall and on 3 November 2022 the Tribunal recalled the order made under Rule 30.

A fresh CMD was assigned to take place on 17 February 2023 at 10am. In advance of this the applicant’s representative, Kara MacGregor-Duke, advised the Tribunal by email that an agreement had been reached between the parties and that the

application was no longer being insisted upon. A request was made that the matter be dealt with administratively.

The CMD on 17 February was preserved. There was no appearance by either party.

The application was dismissed for want of insistence.

### **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.**

**Richard Mill**

17 February 2023

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**Legal Member/Chair**

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**Date**