

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under The Tenancy Deposit (Schemes) (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/23/4154

Re: Property at 11 Brown Court, Glasgow, G33 6FD (“the Property”)

Parties:

Mrs Charlotte MacDonald, 49 Haywood Street, Glasgow, G226QE (“the Applicant”)

Mr Peter Yung, 40 Calrendon Place, Glasgow, G20 7PZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the Application.

Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 26 February 2024. The Respondent was personally present. There was no appearance by or on behalf of the Applicant. The details of the CMD had been competently intimated to her. There was nothing before the Tribunal that might explain the Applicant’s non-participation.

The Rules

[3] Rule 27 is in the following terms:

Dismissal of a party's case

27. — (1) *The First-tier Tribunal must dismiss the whole or a part of the proceedings if the First-tier Tribunal does not have jurisdiction in relation to the proceedings or that part of them.*

(2) *The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to—*

(a) comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or

(b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly

Decision

[4] The Tribunal dismissed the Application in terms of Rule 27 (2) (b) on the basis that the Applicant had failed to co-operate with the Tribunal to such an extent that proceedings could not be dealt with justly or fairly.

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

Legal Member/Chair

26 February 2024

Date