



**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/20/1915

Re: Property at 14 Earncraig Green, Irvine, KA11 1JH (“the Property”)

Parties:

Mr Alan Anderson, 9 Lyoncross, Donnyloadhead, FR4 1UG (“the Applicant”)

Ms Diane Mooney, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member)

Decision (in the absence of the Applicant and Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be refused.

1. Background

- 1.1 This is an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2016 (“the Rules”). The Applicant was seeking payment of £5308.08 in unpaid rent due under the tenancy agreement between the parties.
- 1.2 A Case Management Discussion had previously taken place and had been adjourned due to the sum being sought by the Applicant being increased without notice to the Respondent. Thereafter, an address for the Respondent could not be ascertained and service of the application and further Case Management Discussion was by advertisement.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 18 March 2021 by teleconference. Neither the Applicant or the Respondent were present or represented.

2.2 The Tribunal clerk attempted to contact the Applicant's representative by the telephone number previously provided without success. The Tribunal waited until 10.15am however, the parties failed to join the teleconference.

3. Reasons For Decision

3.1 The Tribunal noted that notice had been given to the Applicant's representative and the Respondent in terms of the Rules. As neither were present to confirm the application was insisted upon or defended, the Tribunal refused the application.

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.

Alastair Houston

18 March 2021

Legal Member/Chair

Date