



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 Housing (Scotland) Act  
2014**

**Chamber Ref: FTS/HPC/CV/19/3635**

**Re: Property at Flat G/L (0/2) 70 Viewmount Drive, Glasgow, G20 0LS (“the  
Property”)**

**Parties:**

**Mr Oladeji Ade-Aina, 0/2, 28 Pitmedden Road, Aberdeen, AB10 7BQ (“the  
Applicant”)**

**Mr Neil Curtis, Second Floor Flat, 357 Perth Road, Dundee, DD2 1LT (“the  
Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

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

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

**Background**

1. By application dated 11 November 2020 the Applicant seeks a payment order in relation to unpaid rent. A rent statement was lodged in support of the application.
2. On 3 January 2020, a copy of the application was served on the Respondent by Sheriff Officer. Both parties were advised that a case management discussion (“CMD”) would take place on 31 January 2020 and that they required to attend.
3. The case called for a CMD on 31 January 2020. The Applicant was represented by Mrs Brown. The Respondent attended in person. The Respondent stated that he admitted the sum was due and that he wanted to pay by instalments.

The CMD was adjourned to allow the Respondent to submit a time to pay application by 14 February 2020 and for the Applicant to consider same. The Respondent did not submit a time to pay application. Both parties were notified that a further CMD would take place by conference call on 16 March 2020 at 1pm. Both were provided with the telephone number and passcode and advised that they required to participate.

4. The application called for a CMD on 16 March 2020. Neither party participated. Neither party was represented. The Legal Member continued the CMD to a further date to be fixed by the Tribunal. Parties were issued with a note confirming the outcome. The Applicants representative responded confirming that he wanted the CMD to be re-scheduled. This was delayed because of Government restrictions imposed due to Coronavirus.
5. On 25 June 2020, the parties were advised that a CMD would take place by conference call on 21 July 2020. The Applicant was notified by email to his representative. The Respondent was notified by recorded delivery letter which was successfully delivered by Royal Mail. Both parties were advised that they required to participate. The application called for a CMD at 10am on 21 July 2020 at 10am. Neither party participated. Neither party was represented. The Tribunal was not contacted by either party in advance of the CMD.

### **Reasons for Decision**

6. The Legal Member notes that three CMDs have been scheduled by the Tribunal. The first took place on 31 January 2020 and parties attended. Two further CMDs have been scheduled and the details notified to the parties. Neither party has participated.
7. The Applicant has not attended the CMDs or provided the Tribunal with up to date information regarding the application. The Legal Member is not able to establish whether the sum claimed is still owed or whether a payment order is required. The Legal Member therefore determines that the application should be refused for lack of insistence.

### **Decision**

8. The application is refused

### **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.**

Josephine Bonnar



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**Josephine Bonnar, Legal Member**

**21 July 2020**