



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/2559

Re: Property at No 1 The Village, Coulter, Biggar, ML12 6PX (“the Property”)

Parties:

Kingsbeck LTD, Culter Allers, Coulter, Biggar, ML12 6PZ (“the Applicant”)

Mr George Wylie, Mrs Patricia Wylie, No 1 The Village, Coulter, Biggar, ML12 6PX (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”)

Background

1. The Applicant submitted an application under Rule 111 for payment in respect of rent arrears which were said to have accrued.
2. By decision dated 24 November 2022, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant on 1 December 2022. On the same date, the Tribunal issued a Notice of Direction to the Applicant, requiring the Applicant to provide evidence of landlord registration no later than 5 December 2022. The Tribunal issued letters to the parties on 12 January 2023

informing them of the date, time and conference call details of the CMD. The parties were advised that they were required to participate in the CMD.

4. The Tribunal did not receive any response from the Applicant in relation to the Notice of Directions issued on 1 December 2022.
5. On 28 February 2023 at 10am a CMD was convened by conference call. Neither party participated. The conference call remained open until 10.30am by which time both parties had failed to attend.

Reasons for Decision

6. In the absence of representations by or on behalf of the Applicant, the Tribunal dismissed the application. The Applicant had failed to comply with the requirement to take part in the case management discussion and failed to comply with the Notice of Direction issued on 1 December 2022. As a consequence, the First-tier Tribunal was unable to deal with the proceedings justly and 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

N. Irvine

Legal Member/Chair

— 28 February 2023

Date