



**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/22/3821

Re: Property at 3/L 63, Dens Road, Dundee, DD3 7HZ (“the Property”)

Parties:

Mr Zehn Rashid, 7 Main Street, Dundee (“the Applicant”)

**Ms Emma Martin, Mr Paul McDermott, 67E Sandeman Street, Dundee, DD3 7HZ
 (“the Respondent”)**

Tribunal Members:

Yvonne McKenna (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 due to a lack of want of insistence.

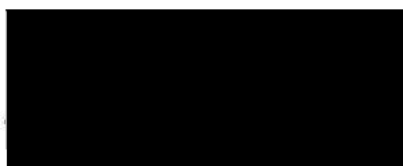
1. This was an application for a payment order dated 14 October 2022 and brought in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.
2. The Applicant sought in his application payment of arrears in rental payments of £4255 together with interest at the rate of 8% per annum from the date of the decision in relation to the

Property from the Respondents and provided with his application a copy of the private residential tenancy agreement and rent arrears statement.

3. An initial Case Management Discussion (CMD) was fixed for 24 March 2023 at 2pm. This CMD was postponed as there was no effective service on the Respondent.
4. A further CMD was scheduled for 20 April 2023 at 10am. The Applicant's Representative was notified by e-mail of the date for the new CMD. The Respondent was notified by service by advertisement on the Tribunal website.
5. The Legal Member and the Tribunal Clerk waited on the conference line until approximately 10.12am on the date of the CMD. No-one turned up to participate and in the circumstances the application was refused due to a lack of want of insistence of the application by the Applicant.

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.



Yvonne McKenna

Legal Member/Chair

20 April 2023

Date

