



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27(2)(b) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017**

**Chamber Ref: FTS/HPC/CV/20/0459**

**Re: Property at 53 Kirk Street, Coatbridge, ML5 1BP (“the Property”)**

**Parties:**

**Mrs Avtar Pabla, 88E Drummore Avenue, Coatbridge, ML5 4BZ (“the Applicant”)**

**Mr Garry Austin, 53 Kirk Street, Coatbridge, ML5 1BP (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

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

- Background
  1. An application was submitted under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking an Order for Payment in respect of rent arrears accrued under a short assured tenancy agreement.
- The Case Management Discussion
  2. A Case Management Discussion (“CMD”) took place on 27 July 2020. There was no appearance by, or on behalf of, either of the parties. The Applicant had been notified of the date of the CMD by letter and email dated 16 June 2020. The Respondent had been served with a copy of the papers together with notification of the date of the CMD by recorded delivery post on 16 June 2020. The Tribunal was accordingly satisfied that both parties had received sufficient intimation of the date of the CMD.

3. Due to the failure by either party to appear or be represented, the Tribunal dismissed the application in terms of Rule 27(2)(b) of the Rules, in that the applicant has failed to cooperate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly or fairly.
  - Decision
4. The application is dismissed under Rule 27(2)(b) of the Rules.

### **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.**

F Watson

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**Legal Member/Chair**

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**27 July 2020**  
**Date**