

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/2545**

**Re: Property at 2 Don Street, Woodside, Aberdeen, AB24 2RS (“the Property”)**

**Parties:**

**Mr Brian Davies, Mrs Loretta Davies, 8 Meadow Place, Aberdeen, AB24 2SL (“the Applicants”)**

**Andrew Graham, Waleed Khalaf, Niall Park, Jay Purves, Omid Sedaghatpanah, Mr Joshua Barrie, 74 Lower Crescent, Comber, BT23 5BU; 219A Oldfield Lane North, Greenford, London, UB6 8PP; Halls, Village Way, Aylesbeare, Exeter, EX5 2BX; 48 Deemount Terrace, Aberdeen, AB11 17RX; 175 Memorial Road, Hanham, Bristol, BS15 3LH; 20A Victoria Place, Stirling, FK8 2QT (“the Respondents”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Decision (in absence of the Applicants)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismisses the application for want of insistence.**

Background

1. On 4 December 2020 the applicants submitted form F, together with a copy of the lease between the parties, evidence of termination of the lease schedule of rental payments. A copy title sheet was lodged with the Tribunal which shows that the respondents are the heritable proprietor of the property.

The Case Management Discussion

2. A Case Management Discussion took place before the Tribunal by telephone conference at 10am on 15 February 2021. All of the respondents apart from Andrew Graham were present. There was no appearance by or on behalf of either of the

applicants. The applicants were notified of this Case Management Discussion by email on 11 January 2021.

3. This case was conjoined to 2 other applications involving the same parties (FTS/HPC/CV/20/2211 & FTS/HPC/CV/20/2059). In those two other applications the following findings of fact have already been made.

#### Findings in Fact

4. (i) On 1 August 2019, the parties entered into a lease for the property. The lease dated 1 August 2019 provided for payment of a tenancy deposit.

(ii) The rent in terms of the Tenancy Agreement dated 1 August 2019 was £1,860 per month. To meet that rental, each of the applicants was required to pay £310 per month. On 1 August 2019 the respondents paid the applicants £310.00 each. The applicants acknowledged the payments as “rent”.

(iv) The respondents vacated the property separately at various times between April and August 2020.

#### Reasons for Decision

5. The application is confusing. The applicants raise the application against all six of their former tenants but do not specify if they hold the respondents jointly and severally liable for the total of the alleged arrears or if they see separate payment orders against each respondent as an individual. Instead of specifying which tenant failed to pay rental and when, the applicants lodge a “Rental Tracker “ record, without explanation or specification.

6. The applicants received the same notification of the time date and place of the Case Management Discussion but do not appear. The applicants therefore fail to move (or explain) their application. No explanation is offered for failure to attend.

#### Decision

The application is dismissed for want of insistence.

#### 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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by**

**upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

P. Doyle

**Legal Member**

**Date 15 February 2021**