

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

Chamber Ref: FTS/HPC/PR/21/1017

Re: Property at 30 Arnott Terrace, Dumfries, DG2 7DW (“the Property”)

Parties:

Mr Mervyn Turkington, Ballantrae House, Collin, Dumfries, DG1 4PT (“the Applicant”)

Ms Marie McLachlan, Serasa, Stoop Loaning, Dumfries, DG1 3JP (“the Respondent”)

Tribunal Members:

Graham Harding (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 dismissed.

Background

1. By application dated 20 May 2021 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of alleged non payment of rent arising from the Respondent’s occupation of the property together with the cost of replacing a fridge and Hoover said to have been removed from the property by the Respondent at the end of the tenancy. The Applicant provided the Tribunal with a copy of a rent card, an invoice for a fridge and correspondence sent to the Respondent.
2. Following a request for further information from the Tribunal the Applicant by email dated 3 June 2021 submitted further information regarding the unpaid rent together with a copy of a letter from Ryedale Remedials Limited dated 18/05/2020.

3. By Notice of Acceptance dated 18 June 2021 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
4. Intimation of the CMD was sent to the Applicant by post and was served on the Respondent by Sheriff Officers.

The Case Management Discussion

5. A CMD was held by teleconference on 26 July 2021. Neither party attended. The Tribunal was satisfied that both parties had been provided with proper intimation of the CMD.
6. The Tribunal noted that the Applicant had not provided the Tribunal administration with any request for a postponement of the CMD. There had been no communication from the Applicant since 3 June 2021 and no explanation for his non-attendance at the CMD. The Tribunal considered the terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and concluded that in terms of Rule 27(2)(b) it was unable to deal with the proceedings justly and fairly and therefore determined to dismiss the application.

Decision

7. The Tribunal finds that the application should be dismissed.

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.

**Graham Harding
Legal Member/Chair**

**26 July 2021
Date**