



**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 (Act)**

**Chamber Ref: FTS/HPC/CV/22/1442**

**Re: Property at Flat 1/1, 118 Calder Street, Glasgow, G42 7RB (“the Property”)**

**Parties:**

**Daniel McCall T/A DB Properties, 146 Kingspark Road, Glasgow, G44 4SX (“the Applicant”)**

**Mr Gordon McDermit, Flat 1/1, 118 Calder Street, Glasgow, G42 7RB (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Linda Reid (Ordinary Member)**

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

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

**Background**

This is an application under Rule 70 of the Tribunal Procedure Rules and section 16 of the Act for payment in respect of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 17 May 2022;
2. Assured Tenancy Agreement (**AT**) dated 1 May 2017;
3. Schedule of Rent Arrears at 12 September 2021;
4. Certificate of Service of CMD Notification on Respondent dated 3 February 2023;
5. CMD Note of 8 March 2023; and
6. Email of 17 March 2023 to both Parties with CMD Notification.

## **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 25 April 2023. Neither Party participated nor were they represented.

The Tribunal delayed the start of the CMD to see if the Parties would participate. They did not.

The Tribunal were satisfied that the Parties had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair.

The case had been continued from a previous CMD on 8 March 2023 at which only the Applicant's Solicitor had participated. The Applicant's solicitor had informed the Tribunal at that CMD that the rent arrears were now in the sum of £22,815. She undertook to forward a letter sent to the Respondent on 23 February 2023 with an updated schedule of arrears attached to the Tribunal.

The Tribunal had informed the Applicant's solicitor that it could not grant an order in the sum of £22,815 without an updated schedule of arrears having been received by the Tribunal and served on the Respondent. The Applicant's solicitor undertook to forward this documentation to the Tribunal.

The Tribunal accordingly continued the case to a further CMD for the production of the documentation referred to above.

The documentation was not produced and there was no appearance at today's CMD.

In the circumstances the Tribunal determined to refuse the application.

## **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.**

**25 April 2023**

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**Legal Member/Chair**

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**Date**