



Decision 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/22/3327

Re: Property at 263 Redcraigs, Kirkcaldy, KY2 6UH (“the Property”)

Parties:

Mr Gordon Wilson, 4 Dean Park Gardens, Kirkcaldy, KY2 6XX (“the Applicant”)

Ms Lindsey Thompson, Jennifer Chapman - Former surname current surname is Hurley, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Member:

Karen Kirk (Legal Member)

This hearing was a Case Management Discussion (hereinafter referred to as a “CMD”) which concerned an Application for civil proceedings under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The purpose of the hearing being to explore how the parties dispute may be efficiently resolved. The CMD took place by teleconference

1. Attendance and Representation

The Applicant was not present and was not represented.

The Respondent was not present and was not represented. She was served by Advertisement providing the requisite notice.

2. Background

This case previously called as a Case Management Discussion. The tribunal noted there were no parties in attendance on that occasion also. The Tribunal decided in terms of the overriding objective they would be given a further opportunity to attend a further CMD and stated in the note issued that any failure to do so would mean the application would be dismissed.

Decision

The Tribunal dismissed the Application in terms of Rule 27(2) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

This was on the basis that this was the second Case Management Discussion where neither party had appeared and the Tribunal could not deal with the application justly and fairly when there was no one in attendance.

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.

Legal Member

Date: 15/05/2023