



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/3558**

**Re: Property at 119 Daldriada Crescent, Apt 2, Forgewood, Motherwell, ML1 3XT (“the Property”)**

**Parties:**

**Mr Christopher Liburd, 11 St Lawrence Way, Loughborough Road, London, SW9 6NT (“the Applicant”)**

**Mr Gurmail Singh, 119 Daldriada Crescent, Apt 2, Forgewood, Motherwell, ML1 3XT (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application and make no order.**

**Background**

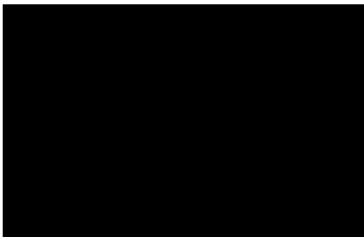
- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent in respect of unpaid rent arrears.
- 2 The Legal Member with delegated powers from the Chamber President determined that there were no grounds to reject the application. A Case Management Discussion was therefore assigned for 10 March 2023. The application paperwork together with notification of the date and time of the Case Management Discussion was served upon the Respondent by Sheriff Officers.
- 3 The first Case Management Discussion took place on 10 March 2023. Neither party was present. The Tribunal clerk telephoned the Applicant’s representative but the call was unanswered. The Tribunal therefore

determined to adjourn the Case Management Discussion to give the parties a final opportunity to attend.

- 4 The second Case Management Discussion took place on 23<sup>rd</sup> June 2023. Prior to the Case Management Discussion the Respondent contacted the Tribunal by email to advise that he had been paying rent directly to the Applicant, and not the Applicant's representative. The application should therefore be dismissed. The Tribunal responded to confirm that the application had not been formally withdrawn and therefore the Case Management Discussion would proceed as scheduled. Neither party attended the Case Management Discussion.
- 5 Having had no response from the Applicant, nor their representative, and no attendance by parties at the Case Management Discussion the Tribunal determined to dismiss the application for want of insistence and make no order.

### **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.**



**Ruth O'Hare  
Legal Member/Chair**

**23 June 2023  
Date**