



**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/CV/21/1367

**Re: Property at 5 West Fairbrae Drive, Sighthill, Edinburgh, EH11 3SY (“the
Property”)**

Parties:

**Mr Scott Andrew Neil, c/o 12 Chambers Drive, Carron, Falkirk, FK2 8DX (“the
Applicant”)**

**Ms Lynne Campbell, 5 West Fairbrae Drive, Sighthill, Edinburgh, EH11 3SY
 (“the Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Applicant and the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) dismissed the application in terms of Rule 27 of The First-tier Tribunal
for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the
Rules”)**

Background

1. The Applicant submitted an application under Rule 111 for payment in respect of rent arrears which were said to have accrued.
2. By decision dated 14 September 2021, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 15 September 2021.

4. A case management discussion took place by conference call on 18 January 2022 and the Applicant participated. Reference is made to the Note of that case management discussion.
5. The Tribunal issued a Notice of Direction to the Applicant's representative on 20 January 2022, requiring the Applicant to submit an updated and detailed rent statement no later than one week before today's case management discussion.
6. By letter dated 23 February 2022, the Tribunal intimated to parties the date, time and conference call details in relation to the case management discussions assigned for today.
7. No further documentation was submitted on behalf of the Applicant and in particular, there was no updated and detailed rent statement lodged, as required by the Notice of Direction.
8. On 25 March 2022 at 10am a case management discussion was convened by conference call. Neither party participated.

Reasons for Decision

9. In the absence of representations by or on behalf of the Applicant, the Tribunal dismissed the application. The Applicant had failed to comply with the Notice of Direction and failed to take part in the case management discussion. As a consequence, the First-tier Tribunal was unable to deal with the proceedings justly and fairly.

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.

Nicola Irvine

Legal Member/Chair

25 March 2022

Date