



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/21/2374

Re: Property at 12 4B Peddie Street, Dundee, DD1 5LS (“the Property”)

Parties:

Mrs Nazia Iqbal, 4 Dunmore Gardens, Dundee, DD2 1PP (“the Applicant”)

Miss Amy Louise Margaret Tares, 2/L, 20 Park Avenue, Dundee, Angus, DD4 6LU (“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 16 December 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 on 22 December 2021 and a letter informing her of the date and time of the case management discussion was sent to her on 20 January 2022. The Applicant was advised that she was required to participate in the case management discussion.

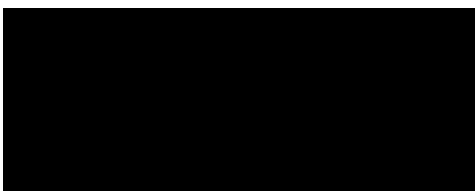
4. By email dated 16 February 2022, the Applicant advised the Tribunal that she was abroad and asked the Tribunal to provide a local telephone number to call. The Tribunal responded on 17 February 2022 to advise that there was no alternative number that could be provided for the conference call.
5. On 28 February 2022 at 2pm a case management discussion was convened by conference call. Neither party participated. The conference call remained open until 2.30pm by which time both parties had failed to attend.

Reasons for Decision

6. 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 requirement to take part in the case management discussion and failed to arrange any alternative representation. 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.



Legal Member/Chair

28 February 2022
Date