



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Reference number: FTS/HPC/PR/21/1182

The Parties:

Applicant: Kamila Guzinska, [Address withheld] ('the Applicant')

Respondent: Roy Fever, 272 Bath Street, Glasgow, G2 4JR ('the Respondent')

Tribunal Member:

Nairn Young (Legal Member)

Decision (without a hearing)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that

- Background

This is an application for an order for payment of a sanction for an alleged failure to comply with the requirements of the Tenancy Deposit Schemes (Scotland) Regulations 2011. Service of the application on the Respondent at the address provided in the application has not been possible. The Applicant requested service by advertisement, but on the basis that her address should be kept confidential from the Respondent. On 29 September 2021, the Tribunal indicated that it was not possible in terms of its rules of procedure for an applicant's address to be withheld from a Respondent. It asked the Applicant to confirm whether she wished to proceed on that basis, within 7 days. No response was received.

The Tribunal issued a direction to the Applicant on 8 October 2021 requiring her to confirm if she wished to persist with the application by 22 October 2021 and indicating that a failure to respond by that date could result in the application being dismissed. The Applicant has made no response to that direction.

- Reasons for Decision

1. The Applicant has failed to comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings. The application therefore falls to be dismissed in terms of rule 27(2)(a) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.
2. In any event, the Applicant has failed to co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly. The Applicant has failed to enable the Tribunal to intimate the requisite details of the application on the Respondent. The application therefore also falls to be dismissed in terms of rule 27(2)(b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

- Decision

Application dismissed.

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.

N. Young
Legal Member/Chair

28 October 2021

Date