



**Decision 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**

**Chamber Ref: FTS/HPC/PR/20/1626**

**Re: Property at First Floor Flat, 3 Erskine Street, Aberdeen, AB24 3NP (“the Property”)**

**Parties:**

**Mr Zekria Ismail Awil, 3 Kerry Court, Dairy Close, Parsons Green Lane, Fulham, London, SW6 4HE (“the Applicant”)**

**Mr Gary Hamilton, Ms Anna Kynaston, 26 Thorn Road, Glasgow, G61 4BS (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application is dismissed under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”)**

1. An application was submitted under Rule 103 of the Rules, seeking an order where the Landlord has failed to lodge a tenancy deposit into an approved scheme, in breach of their obligations to do so under section 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011.
2. A Case Management Discussion (“CMD”) took place on 1 October 2020 by tele-conference. The first-named Respondent, Mr Anderson, was personally present. The second-named Respondent, Ms Kynaston, was unable to attend due to an ill child. The Applicant was neither present nor represented. The Tribunal was satisfied that the date and time of the CMD, together with appropriate dial-in instructions, were issued to the Applicant by both letter and email on 3 September 2020 and that the Applicant had received due notification

of the CMD. The Tribunal was satisfied that the CMD could proceed in the Applicant's absence.

3. The Respondent asked the Tribunal to dismiss the application due to the Respondent's failure to appear.
4. The Tribunal noted that there had been no further correspondence from the Applicant further to lodging of the application, nor in response to the Respondent's submissions being lodged.
5. In terms of Rule 27(2)(b) of the Rules, the Tribunal considered that it could not deal with the proceedings justly or fairly due to the Applicant's failure to cooperate, and specifically his failure to participate in the CMD. The Application was accordingly 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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

# F Watson

Legal Member/Chair

1 October 2020  
Date