

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/23/2471

Re: Property at 15 Argyle Court, St Andrews, Fife, KY16 9BW (“the Property”)

Parties:

Ms Katherine Wyllie, 24A Kee On Building, 200 Hollywood Road, Sheung Wan, Hong Kong, Hong Kong (“the Applicant”)

Mr Gordon Begg, 15 Argyle Court, St Andrews, Fife, KY16 9BW (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Applicant and Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application is dismissed.

- Background
 1. An application was submitted under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking an Order for Payment in respect of rent arrears accrued under a Private Residential Tenancy Agreement.
- The Case Management Discussion
 2. A Case Management Discussion (“CMD”) took place on 16 October 2023 by conference call. There was no appearance by, or on behalf of, either of the parties. The Applicant had been notified of the date of the CMD by letter and email dated 7 September 2023 issued to their representative, Alba Residential (St Andrews) Ltd. The Respondent had been served with a copy of the papers together with notification of the date of the CMD by Sheriff Officer on 11

September 2023. The Tribunal was accordingly satisfied that both parties had received sufficient intimation of the date of the CMD.

3. Due to the failure by either party to appear or be represented, the Tribunal dismissed the application in terms of Rule 27(2)(b) of the Rules, in that the Applicant has failed to cooperate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly or fairly.
- Decision
4. The application is dismissed under Rule 27(2)(b) of the Rules.

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.

Legal Member/Chair

Date: 16 October 2023

