



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/22/4269

Re: Property at 26 Cardowan Road, Glasgow, G32 6QP (“the Property”)

Parties:

Ms Rose Burns (SBA), UNKNOWN, UNKNOWN (“the Applicant”)

Ms Gillian Dickson, Stephen John Dickson (SBA), 10 Gartmore Road, Airdrie, ML6 9BH; UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of either party)

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

Background

1. The Applicant submitted an application under Rule 103 (Application for order for payment where landlord has not paid the deposit into an approved scheme) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.
2. The Applicant sought an order for payment on the basis that the Respondents were said to have breached the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”).
3. Case management discussions (CMDs) took place on 27 February 2023 and 15 June 2023. Reference is made to the Notes issued following those CMDs.

4. The Tribunal intimated details of today's CMD on the Applicant and Second Respondent by advertisement on the Housing and Property Chamber website on 26 September 2023 and by email to the First Respondent.
5. The CMD on 30 October 2023 was convened by conference call at 10am. By 10.15am, neither party had joined the Hearing. In these circumstances, the Tribunal determined to dismiss the application.

Reason for Decision

6. Rule 27 (2) of the Procedure Rules sets out:-

(2) The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to—

(a) comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or

(b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.

7. In the absence of either party at the Hearing, the Tribunal was unable to determine the application justly or 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.

N Irvine

30 October 2023
Date