



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/23/2083**

**Re: Property at 2 Moir Place, Arbroath, DD11 4HF (“the Property”)**

**Parties:**

**Mr Paul Dewar, 75 Dunlin Road, Grove Hill, Hemel Hempstead, HP2 6LX (“the Applicant”)**

**Mr Stewart Geddes, 2 Moir Place, Arbroath, DD11 4HF (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Angus Lamont (Ordinary Member)**

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

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

**Background**

1. An application was received by the Housing and Property Chamber dated 26<sup>th</sup> June 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 2<sup>nd</sup> October 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 8<sup>th</sup> November 2023 at 10am by teleconferencing. The letter also requested all written representations be submitted by 23<sup>rd</sup> October 2023.
3. On 3<sup>rd</sup> October 2023, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 3<sup>rd</sup> October 2023.

### Case Management Discussion

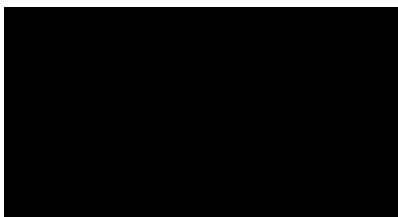
4. A CMD was held on 8<sup>th</sup> November 2023 at 10am by teleconferencing. Neither the Applicant nor the Respondent were present or represented. There was no explanation why the Applicant, in particular, was not present or represented. At on or around 10.10 am the Tribunal Clerk contacted the Applicant's representative to confirm if they wished to proceed with the application. There was no answer as the number went straight to an answerphone. A message was not left as it was not appropriate.
5. The Tribunal dismissed the case as it was not clear that the Applicant wished to rely on the matters within the case.

### Decision

6. The application was dismissed as it was not clear that the Applicant wished to rely on the case proceeding.

### **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.**



**8<sup>th</sup> November 2023**

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**Legal Member/Chair**

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**Date**