

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 48 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/LA/23/2207

Parties:

**Julie MacDonald, Mhor House, 28 Dundas Home Farm, South Queensferry, EH30
9SS (“the Applicant”)**

Belvoir Perth, 8 Bridge Lane, Perth, PH1 5JJ (“the Respondent”)

Tribunal Member:

Nairn Young (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Applicant)

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

- Background
1. This is an application for a letting agent enforcement order. It called for a case management discussion (‘CMD’) at 10am on 9 January 2024 by teleconference. The Applicant did not appear and was not represented on the call. The Respondent was represented by one of its employees, Ms Aimi Lewis. The commencement of the CMD was delayed by 10 mins to allow for any technical difficulty the Applicant may have been experiencing, but there remained no contact.
 2. Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (‘the Rules’) states (so far as relevant to this case):

“27.— Dismissal of a party's case

...

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

...

(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.”

3. In this case, the application is for a letting agent enforcement order. A written response to the application was received by the Tribunal on 24 November 2023 and forwarded to the Applicant shortly thereafter. The Applicant should therefore have been aware that it was necessary for her to appear at the CMD to confirm the extent to which she continued to insist on her application and engage in the case management of it. In the absence of any appearance from the Applicant at the CMD to allow that, the Tribunal cannot determine how the matter should proceed justly or fairly. The application therefore falls to be dismissed in terms of Rule 27(2)(b) of the Rules.

- 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.

Nairn Young

9 January 2024

Legal Member/Chair

Date