



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/0336

Re: Property at 1 Whiteside Street, Rigside, Lanark, ML11 9ND (“the Property”)

Parties:

Ms Shazia Mehmood, 16 Abbots Walk, Kilwinning, KA13 6BG (“the Applicant”)

Ms Emma Beattie, whose present whereabouts are unknown (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

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

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was first effected upon the respondent by Sheriff Officers on 16 June 2023.

An initial CMD took place on 24 July 2023. Neither party participated. A second CMD took place on 17 October 2023. The respondent did not participate.

At the time that the application was made to the Tribunal on 18 January 2023, recovery of rent arrears was the basis of the application. By the time of the second CMD hearing in October 2023, the Applicant’s representative was seeking a sum to reflect an increase in rent arrears, together with a further significant sum in respect of alleged damage to the property reflecting the cost of repairs. The total sum sought by the Applicant, at that time, was £6,032.85.

Matters were further continued on 17 October 2023 due to the lack of intimation of to the Respondent in respect of the amended claim and also to enable the Applicant to provide an updated rent statement and documentary evidence in respect of the costs said to have been incurred relative to the repairs which the Applicant stated that the Respondent was responsible for. A formal Direction was issued on 17 October 2023 requiring the Applicant to provide these items. No further items of documentary evidence have been provided.

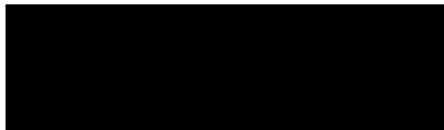
The Applicant was aware of this further CMD on 18 January 2024. Service by advertisement on the Chamber website for the relevant period had been provided to the Respondent.

The CMD on 18 January 2024 was listed at 10.00 am. No one had joined by 10.30 am.

The Applicant has failed to comply with the Tribunal's Direction of 17 October 2023. The Applicant failed to attend the CMD today. In all of these circumstances, the Tribunal dismissed the application for want of insistence.

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.



18 January 2024

Legal Member/Chair

Date