

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**First-tier Tribunal for Scotland (Housing and Property Chamber)**

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

**Chamber Ref:**

**Re: FTS/HPC/LA/23/2205**

**Parties:**

**Mr Thomas Cuthbertson 3B Vicarland Place, Cambuslang, South Lanarkshire, G72 8QE ("the Applicant")**

**The Property Store, 6 Hunter Street, East Kilbride ("the Respondent")**

**The Tribunal comprised:-**

Mr Andrew McLaughlin-  
Ms Elaine Munroe -

Legal Member  
Ordinary Member

### **Background**

[1] The Application called for a Hearing in person at 10 am on 7 February 2024 at Glasgow Tribunal Centre. The Respondent was present and represented by Ms Lorraine Robb and with their Ms Trevithick also in attendance.

### **The Hearing**

[2] There was no appearance by or on behalf of the Applicant. The Applicant had been represented throughout by his sister. His representative had been present at the previous Case Management Discussion (CMD) when it had been ordered that a Hearing in person take place. Parties had been allowed time to intimate any dates to avoid for the Hearing. The Applicant's representative had clearly received the CMD notes as she had been in frequent contact with the Tribunal after the CMD attempting to herself make changes to those notes. The date and time of the Hearing had been competently intimated to the Applicant.

The Tribunal waited until around 10.10 am before commencing. The Tribunal checked that there was no one waiting at reception. The Tribunal checked that there was no record of any calls or emails that might explain the non- appearance. There was none.

### **Dismissal**

[3] The Tribunal decided to dismiss the Application in terms of Rule 27 (b) as the Tribunal considered that the Applicant had failed to co-operate with the First-tier Tribunal to such an extent that the Tribunal could not deal with the proceedings justly and fairly.

### **Outcome**

[4] The Application is dismissed.

### **Appeal Provisions**

**[5] 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.**

**[6] Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

