



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/23/2709

Re: Property at 20a Shankland Road, Greenock (“the Property”)

Parties:

Innotech International Property Company Ltd, 1 Ratho Street, Greenock, PA15 2BU (“the Applicant”)

Mr Scott McPhee, 2 Gallahill Avenue, Port Glasgow, PA14 6NX (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal 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 2nd August 2023. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and there being damage to the Property by the Respondent.
2. On 4th January 2024 all parties were written to with the date for the Case Management Discussion (“CMD”) of 23rd February 2024 at 10am by teleconferencing. The letter also requested all written representations be submitted by 25th January 2024.

3. On 11th January 2024, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by leaving it in the hands of his partner. This was evidenced by Certificate of Intimation dated 11th January 2024.

The Case Management Discussion

4. A CMD was held on 23rd February 2024 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. The Clerk called the number that was submitted in the application. The Clerk called the number three times but each time it registered as a failed call and did not connect. The CMD teleconference line was open until 10.20am but nobody joined the call.
5. The Tribunal dismissed the case as it was not clear that the Applicant wished to rely on the matters within the application.

Decision

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

G Miller

23rd February 2024

Legal Member/Chair

Date