

Housing and Property Chamber
First-tier Tribunal for Scotland



Written Decision with Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in respect of an application under Section 48(1) of the Housing (Scotland) Act 2014 (“the Act”) and Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/LA/23/4479

Re: Property at 45, Millbrae Road, Glasgow, G42 9UF

Parties

Mr. Kuda Mbaserah residing at 45, Millbrae Road, Glasgow, G42 9UF (“the Applicant”)

DJ Alexander, The John Cotton Centre, 10, Sunnyside, Edinburgh, EH7 5RA (formerly Tay Letting, 8, Eagle Street, Glasgow, G4 9XA) (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the Application without Order.

Background

1. By application received between 13 December 2023 and 6 March 2024 (“the Application”) the Applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination that the Respondent had failed to comply with the Code of Practice for Letting Agents (“the Code”).
2. The Application comprised the following documents: -(i) application form in the First-tier Tribunal standard application form with supplementary letter indicating that the parts of the Code complained of are Overarching standards of practice at 19, 21, 22, 26 and 27, Engaging Landlords at 31,33 and 32q, Management and maintenance at 74, 87, 90 and 93 and Communications and resolving complaints and (ii) copy correspondence between the Applicant and the Respondent.
3. A legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (CMD) was fixed for 5 August 2024 at 10.00 by telephone conference call.

4. Prior to the CMD, the Respondent submitted (i) a detailed response to the Application and (ii) an updated response with an offer of settlement and a copy pre-tenancy Inventory, both of which were copied to the Applicant.

CMD

5. The CMD took place on 5 August 2024 at 10.00 by telephone conference call. The Applicant was not present on the call and was not represented. The Mr. M. Urquhart of the Respondent was present on the call. The Tribunal was satisfied that the Applicant had been notified of the CMD and had replied to the tribunal chamber that he would attend. The Tribunal allowed 10 minutes for the Applicant to join the call but he did not do so.
6. The Tribunal had no updated information from the Applicant. Mr. Urquhart advised the Tribunal that the Respondent had not had any further communication from the Applicant and had not responded to an enhanced settlement offer.
7. From the Application, the Tribunal noted that the Applicant's claims lacked detail and specification. The Tribunal had no information or evidence that the Applicant intended to pursue the Application and so the Tribunal had no reason to continue the CMD or to grant an Order. Therefore, the Tribunal dismissed the Application without Order.

Outcome

8. The Tribunal dismissed the Application without Order.

Appeal

In terms of section 46 of the Tribunals (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.

Signed

Karen Moore, Chairperson

5 August 2024