



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/23/4619**

**Re: Property at 21 Whitehills Square Cove, Aberdeen, AB12 3SW (“the Property”)**

**Parties:**

**Mrs Amanda Hayward, 8 Milton View, Kemnay, INVERURIE, AB51 5EW (“the Applicant”)**

**Mrs Gaynor Barrie, Mr John Barrie, 11 Charleston Place, Aberdeen, AB12 5QB (“the Respondents”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

**Decision (in absence of both parties)**

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

- Background
  1. This is an application for an order for payment of rent arrears and damages alleged to be owed by the Respondents to the Applicant in relation to their occupation of the Property in terms of a private residential tenancy. It called for case management discussion (‘CMD’) at 11:30am on 30 August 2024, by teleconference. Neither party called in to the conference or was represented.
  2. The Respondents had indicated that they intended to oppose the application in an application for a postponement. That application was refused on 29 August 2024.

- Reasons for Decision

3. The Tribunal cannot determine the application fairly without the Applicant being present to address it on the application. That is especially the case where an intention to oppose the application has been indicated by the Respondents, albeit they too have failed to appear. The Applicant has failed to co-operate with the Tribunal to such an extent that it cannot deal with the proceedings justly and fairly.

- 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.**

N Young

**30<sup>th</sup> August 2024**

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**Legal Member/Chair**

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**Date**