



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/23/3794

Re: Property at 9f CLOUDEN ROAD, CUMBERNAULD, G672JD (“the Property”)

Parties:

MR PETER MUNRO, 82 UNION STREET, LARKHALL, ML9 1DR (“the Applicant”)

MS JULIE MOONEY, 89 Greenrigg Road, Cumbernauld, G67 2QB (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of both parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that, in accordance with Rule 27 of the Tribunal rules of procedure, the Applicant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings justly and fairly and accordingly Dismiss the Application.

Reasons for Decision

- 1. The Tribunal convened a hearing at Glasgow Tribunals Centre, 20 York Street, Glasgow on 4th October 2024 to consider an application for payment of alleged rent arrears due by the Respondent to the Applicant. The Application sought payment in terms of a tenancy agreement between the parties relative to property at 9F Clouden Road, Cumbernauld, Glasgow, G67 2JD. The Application was dated 26th October 2023.**
- 2. At a Case Management Discussion (“CMD”) in relation to the Application held on 16th February 2024 the Tribunal noted that there was a sufficiency of information supplied by the Respondent which would require to be further considered at an evidential hearing. At that CMD the Tribunal issued Directions to the Respondent to lodge certain further information with the Tribunal.**

3. A hearing of evidence was fixed for 7th June 2024. That hearing was postponed at the request of the Applicant.
4. On 4th June 2024 the Respondent's solicitor intimated by email to the Tribunal that he was no longer acting for the respondent in relation to the application.
5. A further hearing of evidence was arranged for 4th October 2024. Details of the hearing were intimated to parties by letters dated 09 September 2024.
6. By email dated 19 September 2024 the Applicant's representative, Mr. Barry Munro of GBS Lets, advised the Tribunal that he was able to attend this hearing on evidence, although he "will not be there to answer specific questions on the case". He further advised that the Applicant would be in America on the date of this hearing. No request was made to further adjourn these proceedings.
7. The Tribunal convened on 04 October 2024 for the hearing of evidence. Neither the Applicant nor the Respondent appeared at the hearing. The Applicant's representative did not appear at the hearing.
8. None of the parties, or any representative, had been in contact with the Tribunal in advance of the hearing to request a postponement of the hearing of evidence for any reason.
9. In the absence of the Applicant or his representative the Tribunal were unable to deal with the Application justly and fairly.
10. In all the circumstances the Tribunal could not proceed further with the hearing of evidence and decided to dismiss the application, for want of insistence, in accordance with Rule 27 of the Tribunal rules of procedure.

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.

Andrew Cowan

4th October 2024

Legal Member/Chair

Date