



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/24/2395**

**Re: Property at 33 Dunrobin Drive, Gourock, Inverclyde, PA19 1EB (“the Property”)**

**Parties:**

**Mr Stephen O’Kane, 54 Kilochend Drive, Greenock, PA15 4EW (“the Applicant”)**

**Mr Stuart Hodgkinson, 33 Dunrobin Drive, Gourock, Inverclyde, PA19 1EB (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (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 is dismissed.**

- Background
- 1. An application was submitted under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.
- The Case Management Discussion
- 2. A Case Management Discussion (“CMD”) took place on 13 September 2024 by conference call. There was no appearance by, or on behalf of, either of the parties. The Applicant’s agent had been notified of the date of the CMD by letter and email dated 13 August 2024. The Respondent had been served with a copy of the papers together with notification of the date of the CMD by Sheriff

Officer on 15 August 2024. The Tribunal was accordingly satisfied that both parties had received sufficient intimation of the date of the CMD.

3. Due to the failure by either party to appear or be represented, the Tribunal dismissed the application in terms of Rule 27(2)(b) of the Rules, in that the applicant has failed to cooperate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly or fairly.

- Decision

4. The application is dismissed under Rule 27(2)(b) of the Rules.

### **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.**

**Legal Member/Chair**

**Date: 13 September 2024**