



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/2424

Re: Property at 0/2, 346 Langside Road, Glasgow, G42 8XR (“the Property”)

Parties:

Mr Paul Heneghan, 21 River Wynd, Stirling, FK9 5GN (“the Applicant”)

Mr Brian McGuire (SBA), UNKNOWN, UNKNOWN, G42 8HF (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application for want of insistence.

1. By application dated 23 May 2024 the applicant sought an order for payment in respect of rent arrears and other expenses incurred as a result of breach of the tenancy agreement.
2. A case management discussion took place by teleconference on 25 October 2024. Neither party attended.
3. The Tribunal noted that the applicant had been properly notified of the cmd and provided with details for joining the teleconference. Correspondence had been sent to the email address the applicant had provided to the Tribunal. Service on the respondent had been by advertisement as his address was unknown. The Tribunal clerk telephoned the applicant on the telephone number provided

by him to check why he had failed to join the cmd teleconference. There was no answer to the call. No contact details were available for the respondent.

4. In the circumstances the Tribunal determined to dismiss the application through want of insistence.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Mary-Claire Kelly

Legal Member/Chair

25 October 2024

Date