



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 and Rule 27(2)(b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Chamber Ref: FTS/HPC/PR/23/3837

Re: Property at 41 MARY ELMSLIE COURT, ABERDEEN, AB24 5BS (“the Property”)

Parties:

Mr Euan Souter, residing at 13 Littlejohn Street, Aberdeen, AB10 1FG and Chloe Scott, residing at 8 Union Street, Cowdenbeath, KY4 9SA (“the Applicants”)

Mr Ian Rudd, 33 MUIRFIELD ROAD, INVERNESS, IV2 4AY (“the Respondent”)

Tribunal Member:

Fiona Watson (Legal Member)

Decision (in absence of 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 to the Tribunal 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 deductions made from a tenancy deposit.
- The Case Management Discussion
 2. A Case Management Discussion (“CMD”) took place on 4 April 2024 by conference call. There was no appearance by either party. Neither party had notified the Tribunal in advance to advise that they would not be attending. The Tribunal accordingly continued the proceedings to another date, putting the Applicants on notice that they must firstly confirm to the Tribunal administration

if they wished to continue with their application and thereafter must attend any further scheduled CMD.

3. On 10 April 2024 the first-named Applicant, Mr Soutar, emailed the Tribunal administration to advise that he did not wish to withdraw the application. No reason was given for his failure to attend the CMD.
4. A further CMD took place by conference call on 9 December 2024. The Respondent appeared along with his wife, Mrs Rudd, and he represented himself. There was again no appearance by or on behalf of either of the Applicants. The Respondent moved for the application to be dismissed due to the Applicants' failure to appear or be represented.
5. Due to the failure by either of the Applicants to appear or be represented, the Tribunal dismissed the application in terms of Rule 27(2)(b) of the Rules, in that the Applicants have 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
6. 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: 9 December 2024

Fiona Watson

