



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/24/1254

Re: Property at 73 (2/1) Dundrennan Road, Glasgow, G42 9SL (“the Property”)

Parties:

Mr Declan Cox, 73 (2/1) Dundrennan Road, Glasgow, G42 9SL (“the Applicant”)

Mr Stephen McFadden, 57 Hillend Road, Glasgow, G76 7TH (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of either party)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismisses the application.

Reasons

This is an application under Rule 103 and Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011.

A CMD took place by teleconference on 3 July 2024 at 10.00 am. Both parties joined and represented their own interests. It was disputed by the Respondent that any deposit had been paid. A Direction was issued stating :

“Within 28 days of today, the Applicant must provide:-

1. A detailed signed statement narrating all of the payments he made to the respondent in connection with the tenancy, including the amounts and dates which correspond to his bank statements, together with a narrative as to when the tenancy ended.
2. A copy of all relevant bank statements for the duration of the tenancy

(redacted if necessary in relation to all other transactions except, of course, those pertaining to the tenancy payments).”

The Respondent was required to respond to such documentation.

The Applicant has failed to cooperate with the said Direction. No further evidence has been provided.

Neither party attended the hearing today.

The tribunal accordingly dismissed the application for want of insistence. The Applicant has not acted in a manner which demonstrates a wish to pursue the application further.

Rule 27 entitles the tribunal to dismiss where the applicant has failed to such an extent that the proceedings cannot be dealt with justly or fairly. That is the position here.

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.

R. Mill

22 November 2024

Legal Member/Chair

Date