



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) under Sections 18 and 19 of the Housing (Scotland) Act 1988 and Rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/EV/24/1285**

**Property at 6 Cotton Avenue, Linwood, PA3 3EA**

**Applicant: Mrs Jacqueline Tannock 14 Alexander Terrace, Neilston, G78 3LW**

**Respondent: Miss Amanda Chappell 6 Cotton Avenue, Linwood, PA3 3EA**

**Tribunal Members:**

**Karen Moore (Legal Member) and Frances Wood (Ordinary Member)**

**Decision (in absence of the Applicant and Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application be dismissed.**

### **Background**

1. By application received between 15 March 2024 and 20 August 2024 (“the Application”), the Applicant applied to the Tribunal for an Order for possession of the Property based on rent arrears. The Application was accepted by the Tribunal, under caution of irregular procedural issues, and a Case Management Discussion (the “CMD”) was fixed for 15 January 2025 at 14.00 by telephone conference.

### **CMD**

2. The CMD took place on 15 January 2025 at 14.00 by telephone. Neither the Applicant nor the Respondent took part. The Tribunal noted that the CMD had been intimated to the Applicant, in particular.

### **Decision and reasons for the decision**

3. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussion .....including making a decision”. The Tribunal had no information on which to determine if the Application was compliant with relevant statutory procedures, if there were

grounds for the Order, if the rent claimed as due and owing remained due and owing or if it was reasonable to grant an Order.

4. Therefore, the Tribunal dismissed the Application.

### **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.**

# K.Moore

**Legal Member/Chair**

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**15 January 2025**

**Date**