



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

Chamber Ref: FTS/HPC/CV/22/3392

Re: Property at Flat 2/1 58 Ann St, Greenock, PA15 4EP (“the Property”)

Parties:

Mr Stuart Dowden, 46 Crown Street, Egham, TW20 9BZ (“the Applicant”)

Mr Alistair Hair, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

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

Background

1. On 14th September 2022 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 23rd March 2019 and showing a rent of £325 per month
 - b. Bank Statements
3. The Tribunal made several requests for further information which took quite some time to resolve, and the Applicant lodged a rent statement showing arrears of £4950 at the end of the tenancy.

4. The Applicant submitted a Service by Advertisement application form together with a negative trace report from a Sheriff Officer. This was approved by the Tribunal.
5. The Tribunal produced a Certificate of Advertisement dated 13th January 2025.

Case Management Discussion

6. The Case Management Discussion ("CMD") took place on 13th January 2025 by teleconference. Neither party dialled in. The Chairperson instructed the Clerk to telephone the Applicant's representative. The Clerk tried several times but there was no answer.
7. Notification of the date and time of the CMD, together with dial in instructions, were sent by post to the Applicant's representative on 21st November 2024. The Chairperson was therefore satisfied that the Applicant had received sufficient notice of the CMD details.
8. The Chairperson decided to dismiss the application through want of insistence. The Applicant can lodge a new application if he chooses to.

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.

A Kelly

13th January 2025

Legal Member/Chair

Date