



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/23/4252

Re: Property at Flat Above Thistle Bar, 3 Boar Road, Airdrie, ML6 6HU (“the Property”)

Parties:

Mr James Findlay, 121 Jarvie Avenue, Plains, Airdrie, ML6 7JR (“the Applicant”)

Mr George Clark, The Thistle Bar, 1 Bore Road, Airdrie, ML6 6HU (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Applicant)

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

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application proceeded to a case management discussion on 30 July 2024. Both the applicant and the respondent appeared. Reference is made to the case management discussion note and direction issued.

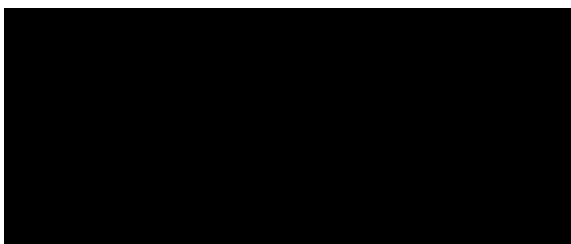
3. The matter proceeded to a hearing on 13 January 2024. The parties were notified of the date of hearing by email on 20 November 2024.
4. There was no appearance by the applicant at the hearing on 13 January 2024. The respondent appeared.
5. The respondent asked the tribunal to dismiss the application given that the applicant had not appeared.
6. In terms of Rule 27 (2) (b) of the Tribunal Rules 2017 the tribunal may dismiss the proceedings if the applicant has failed to cooperate with the tribunal to such an extent that the tribunal cannot deal with the proceedings fairly and justly. The tribunal considered that as there was no appearance by the applicant; no notification as to why the applicant was not appearing; and as there had been no compliance with the direction issued, then the application should be dismissed.

Decision

7. Application dismissed.

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

13 January 2025

Date