



**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/24/1746**

**Re: Property at 49 Goldcrest Crescent, Lesmahagow, ML11 0GU (“the Property”)**

**Parties:**

**Mr Michael Green, 35 Thillans, Cranfield, MK43 0FZ (“the Applicant”)**

**Mr Marc Napier, 11 Angus Road, Carluke, ML3 4NX (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

**Decision in absence of both parties**

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

**Background**

1. On 18<sup>th</sup> April 2024 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 26th May 2021 and showing a rent of £380 per month
  - b. Rent increase notice raising the rent to £391.40 per month from 26<sup>th</sup> July 2023
  - c. Rent Statement showing arrears of £652.80 as at 26<sup>th</sup> March 2024
3. The Application was served on the Respondent by Sheriff Officer on 7<sup>th</sup> January 2025.

## **Case Management Discussion**

4. The Case Management Discussion (“CMD”) took place on 10<sup>th</sup> February 2025 by teleconference. Neither party dialled in. The Clerk telephoned the Applicant but there was no answer. The Tribunal waited until 10.20am but no one dialled in.
5. The Tribunal, being satisfied that both parties had been given reasonable notice of the date, time and place of a hearing in terms of Rule 24, dismissed the Application in terms of Rule 27 (2)(b) in that the Applicant had failed to cooperate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.

## **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.**

**Alison Kelly**

**10/2/25**

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**Legal Member/Chair**

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**Date**