



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/24/0967

Property : 15 School Lane, Bothwell G71 8RE (“Property”)

Parties:

Pamela Burnett, 38 Archerfield Crescent, Newarthill ML1 5FW (“Applicant”)

Property Angels Letting & Management Ltd, 14 Main Street, Bothwell G71 8DS (“Applicant’s Representative”)

Dylan Ballantyne, 15 School Lane, Bothwell G71 8RE (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Gerard Darroch (Ordinary Member)

Decision

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

The Applicant sought an order for payment of £2,470 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 5 April 2023 and a statement of rent arrears.

A Case Management discussion (“CMD”) took place on 4 November 2024. The CMD was continued to 18 February 2025 to allow the Applicant to lodge the following :

1. An application to amend the sum claimed.
2. Copy documents evidencing the rent increase.
3. An updated statement of rent arrears.

In the event that the Respondent agreed the amended sum claimed, he was to lodge an application for time to pay 7 days before the continued CMD.

Neither Party lodged the documents requested.

Case Management Discussion

A CMD took place before the Tribunal on 18 February 2025 by teleconference. Neither Party attended or was represented.

Reasons for the Decision

The Tribunal noted that the notes of the CMD held on 4 November 2024 had been intimated to the Parties on 11 November 2024 and the date of the continued CMD had been intimated to the Parties on 14 January 2025.

The Tribunal determined to dismiss the application for want of insistence. The Parties had not produced the documentation requested at the CMD on 4 November 2024 and had not attended the CMD fixed for 18 February 2025.

Decision

The Tribunal dismissed the application for want of insistence.

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.

J Devine

**Joan Devine
Legal Member**

Date : 18 February 2025