

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Regulation 9 of the Tenancy Deposit
Schemes (Scotland) Regulations 2011**

Chamber Ref: FTS/HPC/PR/23/2672

Re: Property at Flat 3-1, 39 Seedhill Road, Paisley, PA1 1SD (“the Property”)

Parties:

Mr Jonasz Biczkowski, Flat 2/1 3 Dunn Street, Paisley, PA1 1NT (“the Applicant”)

**Mr Hugh Courtney, 21 Ochard Avenue, Singlewell, Gravesend, Kent, DA11 7NX
 (“the Respondent”)**

Tribunal Member:

Melanie Barbour (Legal Member) and Mary Lydon (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application would be dismissed in terms of rule 27 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 103 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the deposit in relation to a tenancy for the Property.
2. The application proceeded to a hearing by telephone conference on 9 September 2024. The hearing was not concluded on that date. It was continued

to 14 January 2025. Notification for the hearing had been sent to parties on 22 November 2024.

3. Neither party appeared for the hearing on 14 January 2025.
4. As there had been a number of discussions and a part-heard hearing already, and as both parties had taken part in the proceedings, the Tribunal decided that it would adjourn the hearing and issue a direction to ascertain whether the applicant intended to proceed further with this matter.
5. The direction confirmed that in the event that the applicant does not wish to progress the application any further then the application would be dismissed by the tribunal.
6. There was no response from the applicant to the Direction.
7. Rule 27 of the Tribunal Hearing Rules deals with dismissal of a party's case. The First Tier Tribunal may dismiss the proceedings if the applicant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings justly and fairly.
8. Given that there was no appearance by either party at the hearing, and there was no response by the applicant to the Direction, then the Tribunal is unable to deal with the proceedings fairly or justly.
9. Accordingly, the Tribunal dismisses this application.

Decision

10. The application is 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

26 September 2025

Date