



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules')

Chamber Ref: FTS/HPC/CV/19/028

**10 High Street, Airdrie ML6 0DT
(‘the Property’)**

PARTIES:

Mr Lendrick Gillies, 132 St John’s Road, Edinburgh EH12 8AX
(‘the Applicant’)

Represented by Mr Sam Paulo, Coulters Lettings Ltd, 32 North West Circus Place, Edinburgh EH3 6TP

Mr Grant Webster, 10 High Street, Airdrie ML6 0DT
(‘the Respondent’)

TRIBUNAL:

Joseph C Hughes (Legal Member) [sitting alone]

Ronnie Lee (Clerk of Tribunal)

DECISION [In absence of the Applicant and Respondent]

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined to REFUSE the Application and make no Order.

BACKGROUND

1. This is an Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (‘the Rules’). The

Applicant is seeking an Order for Payment of unpaid rent under the tenancy agreement between the parties. The Application was accompanied by a copy of the written tenancy agreement with various supporting documents. The Applicant is the Landlord of the Property. The Respondent is the Tenant of the property.

The Legal Member has no conflict of interest in respect of this case.

THE HEARING

2. Neither the Applicant nor the Respondent attended. No representative attended. No explanation was given for either party's non attendance.
3. The case called today as a Case Management Discussion ('CMD'). The Appellant's representative was advised of the CMD by recorded delivery. The Respondent was served with intimation of the CMD and accompanying papers by sheriff officers on 16th April 2019. The Respondent has submitted no representations in respect of the case.
4. The Tribunal is satisfied that parties have been notified of the CMD. Parties have been advised that the Tribunal could determine the matter at the CMD if satisfied that it had sufficient information and it was fair to do so.
5. The Tribunal was satisfied not to grant an Order was in accordance with the interests of justice and the Overriding Objective. The Application is for a considerable amount of money, namely rent arrears of £3900. The Applicant failed to attend in person or have his representative attend. Phone contact was made by the Clerk to the Applicant's representative to try and establish the position. It was not possible to obtain any further information from the offices of Coulters Lettings Ltd. The Tribunal considered, in all the circumstances, that there was no justification to continue the CMD for a further CMD.

DECISION

6. The Application is refused for lack of insistence by the Applicant.

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.

'Joseph C Hughes'
Legal Member HPC

17th May 2019