



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

**Chamber Ref:FTS/HPC/CV/18/1975**

**134A South College Street, Ground Floor Left, Aberdeen, AB 11 6LA ('the Property')**

**The Parties:**

**David Dick and Correen Rozario ('Applicant')**

**Rory Cowan, Bannatyne Kirkwood France & Co ('Applicant's Representative')**

**Christopher Kemp ('Respondent')**

The Tribunal dismisses the application by the applicant dated 1<sup>st</sup> August 2018 under Tribunal Rule 70 being an application for a payment order.

The Tribunal sent the Applicant a Direction dated 20<sup>th</sup> March 2019 which requested further information to enable the application to be processed. In particular the Tribunal requested that the Applicant provide the Tribunal with a written response to their letter dated 18<sup>th</sup> February 2019. The Applicant was directed to provide the documentation requested by 10<sup>th</sup> April 2019. The Direction stated that: 'Failure to provide the said documentation could lead to the Tribunal dismissing the application made by the Applicant for an order for an Order for Payment under Tribunal Rule 70, dated 1<sup>st</sup> August 2018.'

Accordingly the Tribunal dismiss the application as the Applicant has failed to comply with the said Direction in terms of rule 27(2) of the Tribunal Rules.

**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

Date: 15<sup>th</sup> May 2019