



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/CV/22/4031

Re: Property at 9 Bankhead Road, Lesmahagow (“the Property”)

Parties:

DKB Homes Ltd, 3 Stomers End, Chapel St Mary, Ipswich, IP9 2HQ (“the Applicant”)

Ms Dawn Cutler, 9 Bankhead Road, Lesmahagow (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. The Applicant raised an action against the Respondent seeking a payment order as a result of alleged rent arrears;
2. The Tribunal assigned a case management discussion to take place on 27th February 2023 at 2pm. The date and time of the case management discussion was intimated to both Parties;
3. The Arrears claimed in the application were £317.70. The Respondent lodged a Time to Pay Application, offering to make payment at £50.00 per week. This application was copied to the Applicant. The Applicant did not revert to the Tribunal to advise whether this offer of payment was acceptable;

THE CASE MANAGEMENT DISCUSSION

4. No Party participated in the case management discussion. The case management discussion was assigned for 2pm on 10th February 2023. The Tribunal indulged the parties, waiting until 2.05pm before convening the case management discussion. Neither party had contacted the Tribunal by that time;

DECISION

5. In the circumstances, 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Virgil Crawford

27 February 2023

Legal Member/Chair

Date

