



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) In respect of an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/CV/22/1857

Re: Property at 2/1, 11, Colinton Place, Dundee, DD2 2BX (“the Property”)

The Parties:

Mrs. Maggie Picken and Mr. John Picken, both residing at Priorletham, St. Andrews, Fife KY16 8NP (“the Applicants”) per their agents, Pavillion Properties, 86, Bell Street, Dundee DD1 1HN (“the Applicants’ Agents”)

Mr. John Walton residing at the Property (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of both Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the Application without Order.

Background

1. By application received on 26 October 2022 (“the Application”), the Applicants’ Agents applied to the Tribunal for an Order for payment of rent arrears arising from a private residential tenancy agreement between the Parties. The Application comprised a copy of private residential tenancy agreement between the Parties, copy rent statement showing rent arrears of £1,316.00 to 30 June 2021 and copy correspondence to the Respondent satisfying the pre-action requirements.
2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 27 January 2023 at 14.00 by telephone conference. The CMD was intimated to the Parties and, in particular, was served on the Respondent by sheriff officer on 7 December 2022.

CMD

1. The CMD took place on 27 January 2023 at 14.00 by telephone. Neither Party took part and neither Party was represented. Neither Party submitted written representations.

Decision and Reasons for Decision

2. On the information before it, the Tribunal could not be certain that the sum sought in the Application is due and owing. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussionincluding making a decision*". Accordingly, the Tribunal dismissed the Application and made no Order.

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.

Karen Moore

Legal Member/Chair

27 January 2023
Date