



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (Act)

Chamber Ref: FTS/HPC/CV/19/3977

Re: 35 Dunvegan Place, Irvine, KA12 9NA (“the Property”)

Parties

**Mrs Tracy Flitcroft (Applicant)
Miss Chelsea Docherty (Respondent)**

Tribunal Member:

Alan Strain (Legal Member)

Decision (in absence of the Parties)

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

Background

This is an application for payment under section 16 of the Act and Rule 70 of the Tribunal Procedure Rules. The Applicant seeks payment of rent arrears.

The Tribunal had regard to the following documents:

1. Application dated 18 November 2019;
2. Short Assured Tenancy Agreement (**SAT**) commencing 8 November 2016;
3. Schedule of Rent Arrears as 14 November 2019;
4. Tribunal letter of 22 July 2020 requesting further information.

Decision and Reasons

The case had been accepted by the Tribunal and a CMD had been fixed for 14 April 2020. The Respondent’s whereabouts were unknown so the Tribunal postponed the CMD and wrote to the Applicant on 22 July in the following terms:

“We need you to provide us with the following:

- *I refer to previous correspondence when you confirmed that you wished to withdraw the EV application. Please confirm if you also intended to withdraw the CV*

payment application. If you wish the CV application to continue you will have to provide an address for the Respondent or complete a service by advertisement application which can be found on the Tribunal website. When submitting this you should provide a trace report from a Sheriff Officer as evidence of attempts to obtain an address. Please respond within 14 days or the application will be deemed to be withdrawn.

Please reply to this office with the necessary information by 5 August 2020. If we do not hear from you within this time, the President may decide to reject the application.”

No response was received from the Applicant.

The Tribunal was satisfied that it had sufficient information to determine the matter in terms of Rule 18 and refused the application.

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.

A Strain

1 September 2020

Legal Member/Chair

Date