



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 and Rule 27(2)(b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/20/1292

Re: Property at 23 Nicol Place, Broxburn, EH52 6GY (“the Property”)

Parties:

Mrs Jemma Heleena Begum, 46 Drum Brae South, Edinburgh, EH12 8SZ (“the Applicant”)

Ms Karyn Flynn, 23 Nicol Place, Broxburn, EH52 6GY (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Applicant and Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application was dismissed under Rule 27(2)(b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).

1. An application dated 17 March 2020 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondents in relation to rent arrears accrued under a short assured tenancy agreement.
2. A Case Management Discussion (“CMD”) took place on 15 October 2020 by tele-conference. Neither of the parties were present or represented. The Tribunal was satisfied that the date and time of the CMD, together with appropriate dial-in instructions, were issued to the parties by both letter and email on 15 September 2020 and that the parties had received due notification of the CMD.

3. The Tribunal Clerk attempted to contact the Applicant by telephone to ascertain whether or not she was having difficulty in dialling in to the conference call and if she wished to proceed with her application. The call was not answered and there was no facility for voicemail.
4. In terms of Rule 27(2)(b) of the Rules, the Tribunal considered that it could not deal with the proceedings justly or fairly due to the Applicant's failure to cooperate, and specifically their failure to participate in the CMD and advise the Tribunal of their position on the application. The Application was accordingly dismissed.

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.

Fiona Watson

Legal Member/Chair

15 October 2020
Date