



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/0377

Re: Property at 19 Annfield Court, Kirkmuirhill, ML11 9PR (“the Property”)

Parties:

Mrs Victoria Forrest, Hoodshill Farm, Lesmahagow, ML11 3PG (“the Applicant”)

Mr Matt King, 19 Annfield Court, Kirkmuirhill, ML11 9PR (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) refused the case.

Background

1. An application was received by the Housing and Property Chamber dated 17th February 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 19th March 2021, all parties were written to with the date for the Case Management Discussion (“CMD”) of 22nd April 2021 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 9th April 2021.
3. On 19th March 2021, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent. This was done by letterbox service. This was evidenced by Certificate of Citation dated 19th March 2021.

4. The parties were further written to on 16th April 2021 with details for the teleconferencing for the second time.
5. Neither party submitted representations prior to the CMD.

The Case Management Discussion ("CMD")

6. A CMD was held on 22nd April 2012 at 2pm by teleconferencing. Neither the Applicant nor the Respondent were present. The Tribunal waited until 2.14pm. As neither party were present the Tribunal refused the case. It was not clear that the Applicant still wished to rely on the case and that the outstanding sums were still due.

Decision

7. Case refused.

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.

G. Miller

Legal Member/Chair

22nd April 2021

Date