



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/1160

Re: Property at 43 H Oakshaw Street East, Paisley, PA1 2DD (“the Property”)

Parties:

Mr Matthew Burns, 0/2 27 Napier Drive, Govan, Glasgow, G51 2LP (“the Applicant”)

Mrs Isabel Ann Petrie, 15 Cairns Drive, Milngavie, Glasgow, G62 8AL (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

Background

This is an Application for a Payment Order in respect of a deposit which the Applicant says was improperly retained at the end of his tenancy by the Respondent who was his landlord at the Property.

The Respondent has made representations defending the claim and submitting emails in support of her position.

The Case Management Discussion

The Application called for a Case Management Discussion by conference call at 10 am on 20 July 2021. The Respondent was represented on the call by her husband, Mr Petrie, who is her Representative.

The Applicant was neither present nor represented on the call. The Tribunal noted that intimation of the date and time of the Case Management Discussion and information about how to join the conference call had been sent to the Applicant by letter dated 14 June 2021.

There had been no request for a postponement made or any other explanation submitted in respect of the Applicant's absence. The Tribunal's correspondence had been sent to the address provided by the Applicant himself in the Application.

Decision

Having considered matters, the Tribunal decided it was appropriate to proceed in the absence of the Applicant and decided to refuse 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. McLaughlin

20TH July 2021

Legal Member/Chair

Date