



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/CV/21/2577

Re: Property at 78 Queens Crescent, Livingston, EH54 8EG (“the Property”)

Parties:

Mrs Rehana Mahmood, 4 Lismore Place, Newton Mearns, G77 6UQ (“the Applicant”)

Mrs Tracey Meechan, 78 Queens Crescent, Livingston, EH54 8EG (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Applicant and the Respondent)

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

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. Neither party attended the first case management discussion on 3 May 2022. The tribunal clerk had contacted applicant’s agent and were advised that there had been some administrative problems and staff changes and this had led to no one attending. The legal member issued a direction seeking confirmation as to whether

or not the applicant wished to continue with the application and continued the matter to a case management hearing on 10 June 2022.

3. Neither party attended the case management discussion on 10 June 2022. The applicant also did not comply with the direction.

Reasons for Decision.

4. As the Applicant did not appear in respect of the application or comply with the direction; and I was unaware of any reason for the further failure to appear; I consider that I should dismiss the case in terms of rule 27 of the 2017 Rules. I consider that the Applicant's failure to appear at the case management discussion and comply with the direction means that I cannot deal with the proceedings justly or fairly.

Decision

5. The application is 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.

M. B

11 June 2022

Legal Member/Chair

Date

