



**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/22/1000**

**Re: Property at 39 Kingston Avenue, Tannochside, Uddingston, G71 6TA (“the Property”)**

**Parties:**

**Miss Denise Gower, 35 Harvey Way, Bellshill, North Lanarkshire, ML4 1TF (“the Applicant”)**

**Mr John Elliot, Miss Megan Louise Walker, UNKNOWN, UNKNOWN (“the Respondents”)**

**Tribunal Members:**

**Anne Mathie (Legal Member)**

**Decision (in absence of the Parties)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for a payment order in respect of rent arrears and damage to the Property in the sum of £2022 be refused.**

**Background**

1. An application was made dated 5 April 2022 in terms of Rule 111 of the Chamber Rules for a payment order for rent arrears and Property damage. Along with the application form, the Applicant lodged the following documents:
  - Copy tenancy agreement
  - Copy bank statements
  - Copy Inventory at check in and check out
  - Email correspondence between parties
  - Invoices/receipts in respect of cleaning and making repairs to the Property
2. A request for service by advertisement was also submitted dated 5 April 2022.

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3. The Tribunal wrote to the Applicant on 22 April 2022 in respect of whether the bank statements should be redacted and also advising that service by advertisement could not be granted unless appropriate steps had been taken to trace the Respondents. A response was requested by 6 May 2022.
4. The Applicant replied with redacted bank statements and a request for an extension of time to allow tracing agents to attempt to trace the Respondents. An extension was granted by the Tribunal until 23 May 2022.
5. The Applicant emailed the Tribunal on 11 May 2022 with a trace report confirming the Respondents address details had not been found.
6. The application was accepted and service was made by website advertisement.
7. In the case management discussion notification letter parties were advised details of this morning's case management discussion and that they were required to attend. They were also advised that:  
  
*"The tribunal may do anything at a case management discussion which it may do at a hearing, including making or refusing a payment order. If you do not take part in the case management discussion, this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair."*
8. Written representations were due to be lodged by the Respondents by 26 July 2022. No written representations have been received.

#### The Case Management Discussion

9. The application was scheduled for a case management discussion today by teleconference. There was no appearance by or on behalf of any party and no communication from any party as to their failure to attend. The Tribunal waited until 1015am to see if any party would join the call.

#### Findings in Fact

10. No findings in fact were made as there were no parties present to speak to the application and papers before the Tribunal.

#### Reasons for Decision

11. There was no appearance at the case management discussion by or on behalf of any of the parties. There was no communication by any party as to any reason for non-attendance. There was no one to speak to the written application and evidence before the Tribunal.

#### Decision

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12. That the application for a payment order in the sum of £2022 in respect of rent arrears and Property damage be 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.

# A Mathie

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Legal Member/Chair

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Date: 12 August 2022