



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/1484**

**Re: Property at 3 Malthouse, 58 Nethergate, Dundee, DD14EN (“the Property”)**

**Parties:**

**Miss Suji Evangelin Jasmin Soosai, Ms Vaishali Govindarajan, 9 2/2 Bank Street, Dundee, DD1 1RL (“the Applicant”)**

**Mr Chattarpal Singh, 65 Peasehill Gait, Rosyth, Dunfermline, KY11 2BD (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application**

**Background**

- 1 By application to the Tribunal the Applicants sought an order for payment against the Respondent for the refund of their tenancy deposit.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers from the Chamber President concluded that there were no grounds to reject the application. A Case Management Discussion was assigned for 30 August 2022. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion was served upon the Respondent by Sheriff Officers.

**The Case Management Discussions**

- 3 The first Case Management Discussion took place on 30 August 2022. Neither party was in attendance. The Legal Member noted that both had

received notification of the Case Management Discussion together with instructions for joining the case conference. No correspondence had been received from either party with an explanation for their failure to attend.

- 4 The Legal Member therefore determined to adjourn the Case Management Discussion to a further date to give the parties a further opportunity to attend. A note was issued to the parties confirming that the application may be dismissed if the Applicants failed to attend the next discussion.
- 5 The second Case Management Discussion took place on 17 October 2022. Neither party was in attendance.

### **Reasons for Decision**

- 6 The Tribunal had provided the Applicants with two opportunities to attend the Case Management Discussion. Given the lack of attendance on their part the Tribunal could reasonably conclude that they no longer intended on proceeding with the application.
- 7 The application was therefore 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.**

**17 October 2022**

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**Legal Member/Chair**

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**Date**