



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/22/1975

Re: Property at 19 Cedar Avenue, Beith, KA15 1DQ (“the Property”)

Parties:

Ms Sivasankari Ananda, 11 Deerhurst Place, Quedgeley, Gloucester, GL2 4WN (“the Applicant”)

Mr Jamie O'Hara, formerly residing at 19 Cedar Avenue, Beith, KA15 1DQ and whose current whereabouts are unknown (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Applicant and Respondent)

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

- Background
 1. An application was submitted under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement
- The Case Management Discussion
 2. A Case Management Discussion (“CMD”) was originally scheduled for 11 October 2022. The Respondent had previously been a tenant at the Property under a Private Residential Tenancy Agreement and had vacated the Property on 15 June 2022. The Applicant provided a forwarding address for the Respondent in their application. The Sheriff Officer was unsuccessful in serving the papers on the Respondent at the forwarding address, which was his

mother's address. It was determined by the Sheriff Officer that the Respondent did not reside there. As no alternative address was known by the Applicant, the CMD was accordingly discharged and a new date fixed, to enable service of the application by advertisement in terms of Rule 6A of the Rules.

3. The rescheduled CMD took place on 24 October 2022 by conference call. There was no appearance by, or on behalf of, either of the parties. The Applicant had been notified of the date of the CMD by letter and email dated 16 September 2022 sent to their representative, BE More Property Mentors Ltd. Due to their current whereabouts being unknown, the application was served on the Respondent by way of website advertisement between 16 September 2022 and 24 October 2022, in terms of Rule 6A of the Rules.
 4. Due to the failure of either party to appear or be represented, the Tribunal dismissed the application in terms of Rule 27(2)(b) of the Rules, in that the Applicant has failed to cooperate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly or fairly.
- Decision
5. The application is dismissed under Rule 27(2)(b) of the Rules.

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.

Legal Member/Chair

Date: 24 October 2022