



**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/22/2659**

**Re: Property at 16 Hyslop Road, Stevenston, KA20 4HP (“the Property”)**

**Parties:**

**Felt Properties Ltd, 27 Old Gloucester Street, London, WC1N 3AX (“the Applicant”)**

**Kelly Wilson, 36 Morrison Court, Stevenston, KA20 4JS (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

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

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

- Background
  1. This is an application for an order for payment of rent arrears alleged to be owed following termination of the Respondent’s private residential tenancy of the Property: and in compensation for damage alleged to have been caused during occupation. It called for a case management discussion (‘CMD’) at 10am on 9 January 2023 by teleconference. Neither the Applicant nor the Respondent appeared or was represented on the call. The commencement of the CMD was delayed by 10 mins to allow for any technical difficulty, but there remained no contact.
  2. Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (‘the Rules’) states (so far as relevant to this case):

“27.— Dismissal of a party's case

...

(2) The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to—

...

(b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.”

3. While the application is accompanied by various documentary evidence, there is an issue which has not been fully addressed, in that the Applicant is different from the landlord nominated in the tenancy agreement upon which the application rests. In the absence of any appearance from the Applicant at the CMD to allow clarification of that issue, the Tribunal cannot determine justly or fairly whether the Applicant has standing to make the application, or has any right to the order sought. The application therefore falls to be dismissed in terms of Rule 27(2)(b) of the Rules.

- Decision

**Application 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.**



**Legal Member/Chair**

**9 January 2023**  
**Date**