



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
2014**

Chamber Ref: FTS/HPC/CV/23/0199

Re: Property at 55G Chapel Street, Airdrie, ML6 6LE (“the Property”)

Parties:

Javerick Group, 143 Station Road, Hampton, Middlesex, TW12 2AL (“the Applicant”)

**Mr Liam McGowan, Miss Emma Fraser, 55G Chapel Street, Airdrie, ML6 6LE
(“the Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of either party)

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

Background

The Applicant originally lodged an application on 19th January 2023 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.

Lodged with the Application were:

1. Copy Private Residential Tenancy
2. Rent Statement

The Application had to be sent back to the Applicant's agent on several occasions due to errors in the completion of the application form and lack of necessary documents.

The Application was accepted by the Tribunal on 27th July 2023.

A Case Management Discussion was fixed and the Applicant's agent was notified of the date on 24th August 2023.

The Application was served on the Respondents by Sheriff Officer on 25th August 2023.

Case Management Discussion

The Case Management Discussion ("CMD") took place by teleconference. No one dialled in. The Chairperson asked the Clerk to telephone the Applicant's agent. He did so and was told that the person who had been dealing with the application had left the employment of the letting agent and the person now dealing with it did not work on a Thursday. The Clerk was asked if the Tribunal would fix another date.

Reasons for Decision


The Tribunal considered the overriding objective in Rule 2, which is to deal the proceedings justly. This is defined as:

- (a) dealing with the proceedings in a manner which is proportionate to the complexity of the issues and the resources of the parties;
- (b) seeking informality and flexibility in proceedings;
- (c) ensuring, so far as practicable, that the parties are on equal footing procedurally and are able to participate fully in the proceedings, including assisting any party in the presentation of the party's case without advocating the course they should take;
- (d) using the special expertise of the First-tier Tribunal effectively; and
- (e) avoiding delay, so far as compatible with the proper consideration of the issues.

Considering all of these points, particularly the one regarding avoiding delay, and in light of the fact that the application form had not been completed fully and did not give notice to the Respondents of the sum sought the Tribunal decided to dismiss the application due to want of insistence. There is nothing to prevent the Applicant from making a fresh application.

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

5th October 2023

Date