



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/20/0424

Re: Property at 122 Castleview Ave, Galston, KA4 8JW (“the Property”)

Parties:

Scottish Assets Partnership, 9 Stirling Crescent, Galston, KA4 8NT (“the Applicant”)

Ms Angela Ferels, 3 Weavers Place, Newmilns, KA16 9BT (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

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

Background

On 27th January 2020 the Applicant lodged an application under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 “the Procedure Rules”), seeking payment of rent arrears.

Lodged with the application were a copy of the Tenancy Agreement and a copy of the Notice to Leave.

The application sought payment of arrears for the months of November and December 2019, and for January 2020. The application disclosed that the Respondent had left the property on 2nd January 2020.

A Case Management Discussion was fixed for 10th August 2020 at 2pm.

On 19th June 2020 the Tribunal Administration wrote to both the Applicant and the Respondent by post, advising them of the date and providing them with dial in details for the teleconference facility.

An email was also sent to the Applicant on 7th August 2020, confirming the date and time.

Case Management Discussion

A Case Management Discussion (“CMD”) took place by tele-conference on 10th August 2020. Neither the Applicant nor the Respondent dialled in. At 2.05 the Chairperson asked the Clerk, Mr Lee, to telephone the Applicant on the mobile number given in the application. He did so, but the call was directed to an answering machine. Mr Lee established from the message that the mobile number did belong to the Applicant. Mr Lee dialled again twice more between 2.05 and 2.30, but still received no reply.

The Chairperson was satisfied that proper intimation had been given in terms of Rule 24. The Chairperson was also satisfied that in terms of Rule 27 the parties had been given sufficient notice that failure to take part in the CMD would not stop a decision being made, and decided to dismiss the application for want of anyone to move that it be granted.

Reasons For Decision

Neither party dialled in to the Case Management Discussion, and after making enquiry the Applicant could not be contacted.

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. Kelly

Legal Member/Chair

Date

10/08/2020