

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/22/0592

Re: Property at 1/1 (A), 208 Westmuir Street, Glasgow, G31 5BS (“the Property”)

Parties:

Mr Bruce Wiseman, Mr Peter Aitchison, 1/1 5 Whitehill Gardens, Glasgow, G31 2PR; 32 Rutherford Drive, Lenzie, G66 3US (“the Applicant”)

Mr Antonio Di Vito, 1/1 (A), 208 Westmuir Street, Glasgow, G31 5BS (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of both parties)

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

Background

1. By application dated 1 March 2022 the Applicants’ representatives 1-2-Let Ltd applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the respondent’s tenancy of the property. The Applicants’ representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By notice of Acceptance dated 12 April 2022 a legal member of the Tribunal with delegated authority accepted the application and a Case Management discussion (“CMD”) was assigned.
3. Intimation of the CMD was sent to the Applicants representatives on 14 May 2022 and was served on the Respondent by Sheriff Officers on 16 May 2022.

The Case Management Discussion

4. A CMD was held by teleconference on 20 June 2022. Neither party attended. The Tribunal clerk attempted to contact the Applicants' representative Mr Mike Pantony by telephone without success.
5. After delaying the start of the CMD to allow time for either of the parties to attend the Tribunal determined that it was unable to deal with the proceedings justly and fairly in the absence of any representation on the part of the Applicants. The Tribunal did not consider it was in a position to make any findings in fact without hearing from the Applicants' representatives as to the Respondent's current position and in accordance with Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 dismissed the application.

Decision

6. The application is 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.

**Graham Harding
Legal Member/Chair**

**20 June 2022
Date**