



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

Chamber Ref: FTS/HPC/CV/20/1869

Re: Property at 7 Bluebell Gardens, Glasgow, G45 0ES (“the Property”)

Parties:

**Tung's Investments Limited (SC256691), 40 Clarendon Place, Glasgow, G20
7PZ (“the Applicant”)**

Mr Martin Twaddle, 7 Bluebell Gardens, Glasgow, G45 0ES (“the Respondent”)

Tribunal Members:

Petra Hennig-McFatridge (Legal Member)

Decision (in absence of the Applicant)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to dismiss the application.**

Background

This is an application under rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (the procedural rules) for payment of rent arrears of £18,900 allegedly arising out of a tenancy for the property between the parties. The application was made dated 4 September 2020.

A Case Management Discussion (CMD) was scheduled for 19 January 2021 both parties participated. The CMD note of 19 January 2021 is referred to for its terms. Directions were issued to both parties on 19 January 2021, these are referred to for their terms and held to be incorporated herein. A further CMD was scheduled for 3 March 2021 but was postponed on joint motion for further negotiations.

Neither party submitted the information requested in the Direction of 19 January 2021. The Tribunal scheduled a further CMD for 29 April 2021 by telephone conference call. The Respondent and the Applicant's representative Ms McLachlan participated.

Both parties advised that there are ongoing negotiations and that further time is required for both parties to either settle the matter or prepare further. In light of this the case was continued to a further CMD to be held in 6 months. The CMD note of 29 April 2021 is referred to for its terms.

On 24 September 2021 the Tribunal notified the parties of the further CMD date and time of 1 November 2021 at 10 am by teleconference and provided the joining details.

The Case Management Discussion

The Respondent joined the call. There was no appearance by the Applicant or the Applicant's representatives. The notification had been issued on 24 September 2021 to the email address provided by the Applicant's solicitors in previous correspondence and on the application form and the Tribunal was satisfied that sufficient and correct notification for the CMD on 1 November 2021 had been given to the Applicant via the solicitor's email correspondence.

Neither the Applicant nor the Applicant's representatives had not provided any of the further information requested in the CMD note of 19 January 2021. No contact had been made by the Applicant or the Applicant's representatives to the Tribunal since the CMD on 29 April 2021.

The Respondent confirmed that he had not received any contact since then either.

Reasons for Decision

Rule 27 of the procedural rules provides:

Dismissal of a party's case

27.—(1) The First-tier Tribunal must dismiss the whole or a part of the proceedings if the First-tier Tribunal does not have jurisdiction in relation to the proceedings or that part of them.

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

(a) comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or

(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.

The Applicant did not attend the further CMD on 1 November 2021 and was not represented. The Tribunal had clearly indicated that further information was required to ascertain whether the application was valid and to determine whether the amount claimed was due. The amount was not agreed by the Respondent.

Without further information from the Applicant the Tribunal is not able to decide the case justly and fairly. The Applicant failed to co-operate with the First-tier Tribunal to

such an extent that the First-tier Tribunal could not deal with the application justly and fairly.

In light of that the Tribunal dismisses the application in terms of Rule 27 (2) of the procedural rules.

Decision:

The application is dismissed in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

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.

Petra Hennig McFatridge

1 November 2021

Legal Member

Date