



**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/20/2081**

**Re: Property at 10 Bothwell House, Hamilton, ML3 0DQ (“the Property”)**

**Parties:**

**Muirhouse Properties Ltd, Unit 11a - Block 3 - Dunedin Road, Larkhall Industrial  
Estate, Larkhall, ML9 2PA (“the Applicant”)**

**Mr Darren Smith, Mrs Sandra Smith, Unknown, Unknown (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

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

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

**Background**

**1. The applicant applied to the First-tier Tribunal by application dated 30  
September 2020. Accompanying the application was the following documents:  
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- (a) Tenancy Agreement**
- (b) Rent Statements**
- (c) Bank Statements**
- (d) Guarantor Agreement**

**2. The application was in relation to a payment order for the sum of  
£1,045.21.**

**3. The application was accepted on 24 November 2020 and sent out on 1  
December 2020.**

4. There was a Case Management Hearing on 5th February 2021. At that hearing, no party attended.

5. Service of the hearing on 1st April was made on the Respondents by advertisement.

6. No responses have been received by either of the Respondents in the application.

#### **Case Management Hearing**

7. Again, no parties attended for the Case Management Hearing on the 1st April 2021.

#### **Findings in Fact**

8. The applicants were afforded two opportunities at Case Management Hearings to make representations in respect of the application, namely on the 5th of February 2021 and the 1st of April 2021.

9. Neither the applicants nor any representative attended on either occasion.

10. The applicants appeared not to be insisting on the application.

11. Accordingly, the application was dismissed.

#### **Reasons for decision**

12. The applicants had been given opportunities on two occasions to attend at the hearing on teleconference. Neither they, nor any representatives acting on their behalf attended the teleconference on the 5th of February or on the 1st of April. On that basis, it appeared that the applicants were not insisting upon the application. Accordingly, the application was dismissed.

#### **Decision**

13. 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.

Mark Thorley

1 April 2021

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Legal Member/Chair

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Date