



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/22/0049

Re: Property at 3 Fiddoch Court, Newmains, Wishaw, ML2 9DT (“the Property”)

Parties:

Peninsula Ventures Ltd, 211 Bedok, South Avenue, 04-03, 469336, Singapore (“the Applicant”)

Mr John Paul Beattie, 3 Fiddoch Court, Newmains, Wishaw, ML2 9DT (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”)

Background

1. The Applicant submitted an application under Rule 111 for an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. Case management discussions (CMDs) have taken place on 13 May, 28 June and 3 October 2022 and reference is made to the Notes issued following those CMDs.
3. On 18 August 2022, the Applicant’s representative sent an email to the Tribunal intimating withdrawal from acting on behalf of the Applicant.

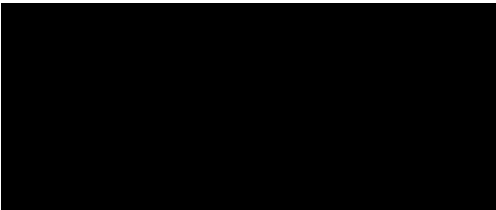
4. On 19 August 2022, the Tribunal sent an email to the Applicant's letting agents, asking whether they had knowledge of the present application. No response was received.
5. The Tribunal convened the CMD on 13 January 2023 by conference call. Neither party participated in the CMD.

Reasons for Decision

6. In the absence of representation by or on behalf of either party, the Tribunal dismissed the application. The Applicant failed to comply with the requirement to take part in the case management discussion and failed to arrange any alternative representation. As a consequence, the First-tier Tribunal was unable to deal with the proceedings justly and fairly.

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

13 January 2023
Date