



**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/22/2500

**Re: Property at 46 F Broad Street, Frazerburgh, Aberdeenshire, AB43 9AH (“the
Property”)**

Parties:

**Mr David Mack, Light House Hostel, 20 Gilmore Place, Edinburgh, EH3 9NQ (“the
Applicant”)**

**William Maitland Ltd, 23 Cross Street, Fraserburgh, AB43 9EQ (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Applicant)

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

Background

The Applicant lodged an application on 25th July 2022 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment.

Lodged with the Application were:

1. Photos
2. Service Report
3. Screenshots of correspondence
4. Email correspondence about wi fi

The Application seemed to be a claim for damages. On 2nd August 2022 the Tribunal wrote to the Applicant confirming that a Respondent required fair notice of a case and asking for confirmation of what the Applicant was applying for and why. A reminder

was sent on 6th September 2022. The Applicant responded saying that he was finding it difficult to obtain legal advice.

On 22nd September 2022 the Tribunal accepted the application and sent it for a Case Management Discussion.

On 14th October 2022 the Applicant sent an email to the Tribunal confirming his new address.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant did not dial in. The Clerk telephoned him on the number held on the Tribunal’s system and left him a message. The Chairperson waited until 2.15pm, at which time he had not joined the call, and she therefore proceeded without him. The Respondent was represented by John Maitland, Director.

The Chairperson introduced herself and explained the purpose of a CMD in terms of Rule 17.

The Chairperson took the view that the application did not give the Respondent fair notice of the case against them. The Applicant had been asked to provide information as to what he was seeking and the reasons why. He failed to do so. He did not attend the CMD to provide those details. He has not provided the information required by Rule 111 and therefore the case cannot proceed. The Application falls to be 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.

Alison Kelly

**Alison Kelly
Legal Member/Chair**

**12 December 2022
Date**