

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 Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (Regulations)

Chamber Ref: FTS/HPC/PR/19/1377

Re: Property at 10 Monkton Crescent, Coatbridge, ML5 5GA (“the Property”)

Parties:

Miss Sharon Wright, 331 Bank Street, Coatbridge, ML5 1EJ (“the Applicant”)

Mr John Paul Clark, Ms Donna Clark, Spings 10, Street 1, Villa 78, Dubai, United Arab Emirates; M-1 Swaco, PO Box 7623, Dubai, United Arab Emirates (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Parties)

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

Background

This was an application under Regulation 9 of the Regulations and Rule 103 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application received 7 May 2019;
2. Short Assured Tenancy (**SAT**) commencing 22 January 2018;
3. Deposit Receipt dated 18 January 2018;
4. Simple Procedure Claim Forms from Airdrie Sheriff Court.

Case Management Discussion (CMD)

The case called for a CMD on 6 September 2019. The Applicant was not present or represented. The Respondent was not present or represented.

The Respondent had emailed the Tribunal Administration on the morning of the CMD to request a Skype call. He had been advised that he required to dial in given that the Tribunal did not have the facilities to accommodate a Skype call.

The Tribunal waited until after 10am when the CMD was due to start. Neither Party appeared or made any attempt to contact the Tribunal.

In light of the Parties' non participation in the CMD the Tribunal decided to refuse the application.

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.

Alan Strain

Legal Member/Chair

6 September 2019

Date