



Decision with Statement of Reasons of Alan Strain, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/PR/22/2271

Re: 4/2 Warrender Park Crescent, Edinburgh, EH9 1DX ("the Property")

Parties

Mr Douglas Morgan (Applicant)
Ms Yasmin Akhtar (Respondent)

Tribunal Member:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed on the basis that the Applicant has failed to co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.

Background

- 1. The application was received by the Tribunal under Rule 103 on 8 July 2022. The application was in respect of an alleged failure of the Landlord to protect a tenancy deposit under the **Tenancy Deposit Schemes (Scotland) Regulations 2011 (Regulations)**.**
- 2. The case had been scheduled to proceed to a Case Management Discussion (CMD) on 19 September 2022 but was postponed due to the address for the Respondent being incorrect.**
- 3. The Applicant was asked to provide a correct address or an application for service by advertisement by the Tribunal on 7 September 2022. Despite numerous reminders the Applicant has not, to date, provided either.**

Reasons for Decision

4. The Tribunal considered the application in terms of Rule 27 of the Chamber Procedural Rules. That Rule 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

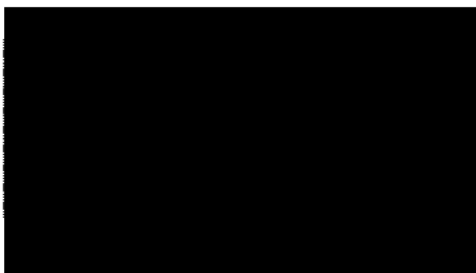
(b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly."

5. The Applicant has failed to provide an address or application for service by advertisement on the Respondent. The Applicant has failed to co-operate to the extent that the Tribunal cannot deal with the matter justly and fairly.

6. The Tribunal accordingly dismiss the case.

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

24 July 2023

Date