



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) in relation to an Application under
Regulation of the Tenancy Deposit Scheme (Scotland) Regulations 2011**

Chamber Ref: FTS/HPC/PR/18/0378

**Re: Property at Flat 3/1, 101 Battlefield Avenue, Glasgow, G42 9RH (“the
Property”)**

Parties:

**Mr Shaun Leslie, Ms Precious Reddick, 1/1, 5 Espedair Street, Paisley, PA2
6NT; 1/1 5 Espedair Street, Paisley, PA2 6NT (“the Applicant”)**

**Ms Rita Stewart, 18 Hyndland Road, Hyndland, Glasgow, G12 9UP (“the
Respondent”)**

Tribunal Members:

Andrew Cowan (Legal Member)

Decision (in absence of the Parties)

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

By an Application dated 24th February 2018, the Applicant sought an order for payment against the Respondent in connection with the Respondent’s alleged failure to comply with Regulation 3 of the Tenancy Deposit Scheme (Scotland) Regulations 2011 (“the Regulations”)

In particular the Applicant complained that the Respondent had failed to lodge a tenancy deposit with an approved scheme as required by regulation 3.

The Tribunal had served a copy of the Application upon the Respondent. The Respondent’s proper address was established and a copy of the application was sent to the Respondent at that address by recorded delivery letter dated 9th May 2018.

Both the Applicant and the Respondent were notified by letter dated 9th May 2018 that the Tribunal was holding a case management discussion in relation to the
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Application in Glasgow on 2nd July 2018 at 10.00. Both the Applicant and the Respondent were advised that they were required to attend that hearing.

Neither party attended the Case management hearing.

Neither party attempted to contact the Tribunal in advance of the hearing to advise that they were unable to attend for any reason.

The Tribunal were not able to determine the proceedings without a hearing as the Tribunal considered to do so would be contrary to the interests of the parties. The Tribunal were not able to determine whether the former joint tenant of the Applicant wished to be considered as a party to the application. The Tribunal were unable to determine whether the Applicant wished to continue to insist upon the terms of his application.

In all the circumstance the Tribunal determined to dismiss the Application in terms of Rule 27 of the Tribunal's rules, as the Applicant had failed to co-operate with the Tribunal to such an extent that the Tribunal could not deal with the Application 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.

Andrew Cowan

Legal Member/Chair

2/7/18

Date