

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)**

Chamber Ref: FTS/HPC/PR/22/1967

Re: Property at 1/1 107 Main Street, Uddingston, G71 7EW (“the Property”)

Parties:

Ms Andrea Mulligan, 1/1 107 Main Street, Uddingston, G71 7EW (“the Applicant”)

Mrs Kathleen Harkness, 14 Douglas Gardens, Uddingston, G71 7HB (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Applicant and Respondent)

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

BACKGROUND

1. The Applicant presented an application to the Tribunal seeking an Order in terms of Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 on the basis that the Respondent had failed to lodge a tenancy deposit with an approved scheme within timeously;
2. The Respondent did not lodge any submissions in response;

THE CASE MANAGEMENT DISCUSSION

3. The Applicant did not participate in the case management discussion. The date, time and login details had been intimated to her by the Tribunal by letter dated 26 July 2022. The documents submitted by the Applicant made it clear that she had obtained advice from Hamilton Citizens Advice Bureau. No-one from that organisation participated in the case management discussion on behalf of the Applicant;
4. The Respondent did not participate in the case management discussion. The proceedings had been intimated on her by Sheriff Officers. A Mr Paul Cruickshanks did log in to advise that he was representing the Respondent. The Tribunal, however, had received no correspondence from the Respondent at all and nothing to indicate that Mr Cruickshanks was authorised to act on her behalf;
5. Considering, however, that the Applicant did not participate in the Case Management Discussion there was no motion before the Tribunal to grant an order, the Tribunal dismissed the application;
6. The issue of Mr Cruickshank's participation, and whether he had authority to represent the Respondent did not require to be considered further in the circumstances.

DECISION

The Tribunal dismisses the application for want of insistence.

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.

V. Crawford

2nd September 2022

Legal Member/Chair

Date

