



**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**

Chamber Ref: FTS/HPC/PR/18/1935

**Re: Property at 6 Dalwhinnie Gardens, Kilmarnock, East Ayrshire, KA3 1QU
("the Property")**

Parties:

**Miss Vivien Hamilton, 20 Derwent Court, Kilmarnock, KA3 1HQ ("the
Applicant")**

**Mr Alexander Connoly, Muirburn House, Hareshawmuir, Waterside, KA3 6JJ
("the Respondent")**

Tribunal Members:

Colin Dunipace (Legal Member)

Decision (in absence of the Applicant)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that in the absence of the Applicant who did not attend
and did not offer any explanation for her non-attendance that the Application
should be dismissed in terms of Regulation 27 (2) b) of the First-tier Tribunal
for Scotland Housing and Property Chamber (Rules of Procedure) Amendment
Regulations 2017.**

**In reaching this decision the Tribunal noted that the matter had previously
called for a Case Management Discussion on 27 September 2018 at which time
the Applicant had contacted the Tribunal indicating that she could not attend
and that she wished the matter to be adjourned to enable her to attend by way
of a telephone conference call. This application was granted and the matter
was due to call today as a Case Management Discussion. The Respondent
attended by way of conference call, but the Applicant was again not present,
despite having been given appropriate notice of the calling of the Application,
and on this occasion no explanation was provided for her non-attendance. IN
these circumstances the Tribunal directed that the Application 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.

COLIN DUNIPACE

Legal Member

9/11/18

Date