

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 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011.

Chamber Ref: FTS/HPC/PR/18/1586

Re: Property at 70/2 Longstone Street, Edinburgh, EH14 2BZ (“the Property”)

Parties:

Mr Zanyar Abdalrahman, Mrs Hazhan Majeed, 17 Wauchope Crescent, Edinburgh, EH16 4XR; 17 Wauchope Crescent, Edinburgh, EH16 4XR (“the Applicants”)

Mr Stuart Dignan, Per 6b (Unit 1-2) New Mart Road, Edinburgh, EH14 1RL (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Applicants and Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application in terms of Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 and rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 should be dismissed on the basis that there was no appearance by the applicant and they were not represented. The tribunal accordingly dismissed the application.

Reasons

This is case management discussion ‘CMD’ regarding an application in terms of rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2011 in connection with a tenancy deposit. There was no appearance at the CMD by the applicants or respondents. The tribunal did not have sight of the execution of service of the application on the respondent and was not able to ascertain that service on the respondent had been carried out. The tribunal

Lesley Ward

also noted that the respondent was designed in the application as "per 6b (Unit 1-2) New Mart Road Edinburgh EH14 1RL". This appears to be the letting agent's address rather than the respondent's address. In any event in the absence of any appearance by the applicants or any representative and in the absence of any explanation for their nonattendance or any request for the tribunal to deal with this in their absence, the tribunal dismissed 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.

Lesley Ward

14 November 2018

Lesley A Ward, Legal Member

Date