



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 48 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/LA/21/0232

Parties:

Mr Graham Wheelhouse, 3 Dalmoak Road, Greenock, PA15 3AE (“the Applicant”)

Castle Estates, 14 Union Street, Greenock, PA16 8JJ (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in the absence of the Applicant)

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

- Background

This application seeks a finding of various breaches of the Letting Agent Code of Practice (‘LACP’). It called for hearing at 10am on 8 July 2021, by teleconference. The Applicant did not call in to the conference and was not represented. The Respondent was represented by a director of a company the Tribunal was told has taken over some of its business, a Mr Giovanacci of Bowman Rebecki.

The Tribunal waited until 10:30am to make a decision as to whether the hearing could proceed in the Applicant’s absence, in case there was some technical difficulty preventing him from making contact, but there remained no contact from him.

- Decision

1. The Applicant was sent notification of the time and date of the hearing on 19 May 2021. He returned a form dated 25 May 2021 confirming that he wished to take part in an oral hearing of the application. While his case was set out in a written submission, the Respondent had also given a response to these points and there are certain aspects of the application which required further explanation. Given that there were facts in contention between the parties, and the Applicant's indication of his intention to appear at the hearing, the Tribunal did not feel that it would be fair to proceed in his absence.
2. Rather, it determined that, due to the Applicant's failure to appear, it could not deal with the proceedings fairly or justly. On that basis, it decided to dismiss the application, in terms of rule 27(2)(b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.
3. The Applicant is reminded of the terms of rule 30 of the same rules regarding recall of a decision in these circumstances.

The application is therefore 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.

08/07/2021

Legal Member/Chair

Date