



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/PR/21/1363

Re: Property at 2/1, 193 Kent Road, Glasgow, G3 7HD (“the Property”)

Parties:

Miss Bronwen Adlington, Mr Miguel Montero Vega, Ms Eilidh Gowans, 1/1, 5 Thornwood Place, Glasgow, G11 7PP; CALLE DE LA OLIMPIADA 2 6C, Madrid, 28040, Spain; 1/1, 5 Thornwood Place, Glasgow, G11 7PP (“the Applicants”)

Mr Surnjit Bhogal, 0/2, 7 Lymburn Street, Glasgow, G3 8PD (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Applicants)

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

- Background
1. This is an application for an order for payment of a sanction in relation to an alleged failure to observe the duties incumbent on landlords in terms of the Tenancy Deposit Schemes (Scotland) Regulations 2011. It called for case management discussion (‘CMD’) on 2 August 2021, at which the Applicants were informed that there were a number of specific issues that the Tribunal wished to be addressed on to allow it consider their application fully. In order to allow them fair opportunity to do this, the Tribunal adjourned consideration of the case to a further CMD on 1 October 2021 at 10am, to call by teleconference. In the meantime, it made a detailed direction enumerating the

matters that required to be addressed and requiring written submissions from the Applicants on these by 27 August 2021. The Respondent was then to be allowed three weeks to respond in writing, as he wished.

2. The Applicants have not made any submission in response to the direction.
 3. At the CMD on 1 October 2021, there was no appearance on behalf of the Applicants. The Respondent was represented by Ms Rachel McQueen of Robb Residential.
 4. The Applicants had been notified of the time of and details for joining the CMD on 27 August 2021. The Tribunal was satisfied that they were aware of the CMD but had chosen not to attend.
- Reasons for Decision
5. The Applicants have failed to comply with the direction made following the previous CMD and have failed to appear subsequently. The Tribunal cannot determine the application fairly without the Applicants' position on the matters highlighted. The Applicants were told of that requirement at the first CMD and that was confirmed by the fact that a direction was made. The Applicants have failed to co-operate with the Tribunal to such an extent that it cannot deal with the proceedings justly and fairly.
- Decision

Application 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.

N Young

7th October 2021

Legal Member/Chair

Date