



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/23/3842

Re: Property at 12 Houliston Avenue, Dumfries, DG2 7BF (“the Property”)

Parties:

Mr Thomas Mark Carruthers, 14 Douie Crescent, Dumfries, DG1 4DB (“the Applicant”)

Thornwood Homes, Gerald Alexander Johnston, Margaret Diane Johnston, 2 Rigghead Cottages, Glencaple Road, Dumfries, DG1 4TU (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application would be dismissed in terms of rule 27 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 103 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the deposit in relation to a tenancy for the Property.
2. The application contained the tenancy agreement.

3. There was no appearance by either party at today's case management discussion. There was evidence of service by sheriff officers upon the Respondent. In addition the Respondent had submitted written representations about the application but had advised that he would not be in attendance due to his health condition.
4. Rule 27 of the Tribunal Hearing Rules deals with dismissal of a party's case. The First Tier Tribunal may dismiss the proceedings if the applicant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings justly and fairly.
5. Given that there was no appearance by the applicant, I was unable to deal with the proceedings fairly or justly.
6. Accordingly, I consider that I should dismiss this application.

Decision

7. The application is 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.

M. Barbour

26/03/2024

Legal Member/Chair

Date