



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/19/4079

**Re: Property at Finella Cottage, 123 Market Street, Brechin, Angus, DD9 6BD
("the Property")**

Parties:

**Mr Nigel Strain, Bryniau, Cochion, Nebo, Caenarfon, LL54 6EH ("the
Applicant")**

**Miss Laura-Louise Urquhart, 38 High Street, Brechin, Angus, DD9 6EY ("the
Respondent")**

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of both parties)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that in the absence of both parties the application be
rejected as being frivolous or in terms of Rule 8 of the First-tier Tribunal for
Scotland Housing and Property Chamber (Procedure) Regulations 2017("the
Regulations")**

Background

1. By application dated 16 December 2019 the Applicant's agent applied to the Tribunal for an order for payment of former rent arrears. The Application was accepted by the Tribunal on 7 January 2020.
2. On 27 January 2020 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 17 February 2020. By letters dated 27 January 2020, the Tribunal advised both parties that a Case Management Discussion ("CMD") under Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017("the Regulations") would proceed on 28

February 2020. The Respondent did not make any representations by 17 February 2020.

3. The Tribunal proceeded with the Case Management Discussion on 28 February 2020. There was no appearance by or on behalf of either the Applicant or the Respondent.

Reasons for Decision

4. The Tribunal noted the terms of the letters to the both parties of 27 January 2020 that the Case Management Discussion would proceed on 28 February 2020. The Tribunal also noted that both parties were advised in the letters that the Tribunal could do anything at the Case Management Discussion which it could do at a hearing including making a decision on the application. The Tribunal further noted that parties were both advised that if they did not attend the Case Management Discussion this would not stop a decision or order being made by the Tribunal.
5. The Tribunal noted the level of arrears were stated at £5283.15 as at the date of the application. The Tribunal, in the absence of the Applicant or any representative from the Applicant and in the absence of the Respondent had no information before it to indicate whether any payments had been made to the arrears since the action was raised, whether the arrears has been cleared or whether parties had come to an arrangement in terms of which the arrears would be repaid. In the circumstances, the Tribunal could not make any assessment of the current arrears.

Decision

6. The Tribunal rejected the application as being frivolous in terms of Rule 8 (1)(a) of the Regulations.

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.

S Evans

Legal Member/Chair

28 February 2020.
Date