



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/2511

Re: Property at 9 Alma Terrace, Laurencekirk, Aberdeenshire, AB30 1FL (“the Property”)

Parties:

Mr Calum Watt, Centrum Offices, 38 Queens Street, Glasgow, G1 3DX (“the Applicant”)

Mr Daniel Brand, 9 Alma Terrace, Laurencekirk, Aberdeenshire, AB30 1FL (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application is refused and no order granted.

Background

1. An application was received by the Housing and Property Chamber dated 20th July 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and was seeking an order for payment for seeking an order for payment of the sum of £5950 with interest at 8%.
2. On 16th November 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 19th December 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 7th December 2022.

3. On 18th November 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by a Certificate of Intimation dated 18th November 2022.
4. On 14th December 2022, the Respondent contacted the Housing and Property Chamber by email. The email could not be opened by the administrative team. The administrative team emailed the Respondent asking that he resend the email. There was no response to this email. The content of the email sent by the Respondent is unknown.
5. The case was conjoined with case FTS/HPC/EV/22/2506.

Case Management Discussion

6. A CMD was held on 19th December 2022 at 10am. By 10.15am neither the Applicant nor the Respondent were present. Neither had submitted representations that they would not attend the CMD. The Tribunal had insufficient information before it to grant the application. The Tribunal refused the application. No order was granted.

Decision

7. The application was refused as neither party were present as such there was insufficient evidence and it was unknown if the application was still to be relied upon.

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.

Gabrielle Miller

19th December 2022

Legal Member/Chair

Date