



**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 (Act)**

Chamber Ref: FTS/HPC/CV/18/0835

Re: Property at 47 Hope Park Gardens, Bathgate, EH48 2QT (“the Property”)

Parties:

Mr Paul Taylor, 22 Hamilton Gardens, Bathgate, EH48 2JA (“the Applicant”)

**Mr Kenneth Stewart, 24464 Douglas C38, HMP Addiewell, 9 Station Court,
Addiewell, EH55 8QA (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Parties)

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

Background

This is an Application in terms of section 16 of the Act and Rule 70 of the Procedure Rules for payment of rent arrears claimed due in respect of the Property.

The Application was lodged with the Tribunal on 9 April 2018 with the following documents:

1. Tenancy Agreement dated 18 February 2017;
2. Mutual Termination Agreement dated 15 December 2017; and
3. Bank Statements showing rental payments and arrears.

The Tribunal fixed a case Management Discussion (**CMD**) for 6 September 2018. Both parties had been advised by the Tribunal by letters of 17 August 2018 of the time and date of the CMD and that the Tribunal could determine the matter in absence if satisfied that it was fair and reasonable to do so.

ALAN STRAIN

CMD

There was no appearance by either party at the CMD. The letter of 17 August 2018 to the Respondent from the Tribunal had been served by Sheriff Officers on 20 August 2018.

The Tribunal made enquiry of the Applicant and attempted to contact him but there was no response.

In light of the fact that there was no appearance by either party and that the Tribunal were satisfied both parties had notice of the CMD, the Tribunal determined that it was in accordance with the overriding objective and fair to dismiss the Application.

The Application is accordingly 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.

ALAN STRAIN

Legal/Member/Chair

6 September 2018
Date

