

Housing and Property Chamber
First-tier Tribunal for Scotland



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, as amended

Chamber Ref: FTS/HPC/PR/21/2785

Re: Property at 15-17 Station Road, Edinburgh, EH12 7AA (“the Property”)

Parties:

Mr David Valentine, 15-17 Station Road, Edinburgh, EH12 7AA (“the applicant”)

Mr Jack Roots, 19 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND (“the respondent”)

Tribunal Member:

David Preston (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) dismissed the application in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).

Background

1. This was a Case Management Discussion (CMD) in respect of an application for an order for payment where the landlord has not paid the deposit into an approved scheme under section 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 and Rule 103.
2. By Decision dated 12 November 2021 a Convener of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a CMD.
3. The Notice of Acceptance was intimated to the applicant on 12 November 2021 and a letter informing him of the date and time of the CMD was sent to him on 22 November 2021.
4. By email dated 13 December 2021 the respondent, having received intimation of the application and CMD submitted representations with supporting documentation.

5. On 23 December 2021 at 1400 a CMD was convened by telephone in accordance with the provisions dealing with business during the COVID-19 pandemic. The respondent attended by telephone. The applicant did not attend at the scheduled time and the tribunal delayed the start of the CMD until 1410 by which time the applicant had failed to appear.
6. In the absence of any representations by or on behalf of the applicant in response to the respondent's representations the tribunal dismissed the application.

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.

David Preston

23 December 2021