



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/23/2497**

**Re: Property at Flat 2/2, 5 Minard Road, Glasgow, G41 2HR (“the Property”)**

**Parties:**

**Mr Gurmukh Singh, Flat 1/2, 1313 Pollokshaws Road, Glasgow, G41 3RP (“the Applicant”)**

**Mr Nicolae Covaci, Flat 2/2, 5 Minard Road, Glasgow, G41 2HR (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of both parties)**

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

**Background**

1. By application dated 25 July 2023 the Applicant’s representatives, 1<sup>st</sup> Lets (Glasgow) Ltd, Glasgow, applied to the Tribunal for an order for the eviction of the Respondent from the property under Ground 5 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant’s representatives submitted a copy of a tenancy agreement, Notice to Leave with proof of service, Section 11 Notice with proof of intimation and copy correspondence in support of the application.
2. Following further correspondence between the tribunal administration and the Applicant’s representatives, by Notice of Acceptance dated 14 September 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD and the case papers were served on the Respondent by Sheriff Officers on 2 November 2023.
4. A CMD was held by teleconference on 14 December 2023. The Applicant did not attend but was represented by Ms Joanne Simpson from the Applicant's representatives. The Respondent did not attend but was represented by Mr Iain Chisholm of Positive Action in Housing Ltd, Glasgow. The Tribunal noted that the procedural grounds for seeking the eviction of the Respondent were not disputed but that the Tribunal required to determine if it was reasonable to grant the order sought. The Tribunal concluded that it had insufficient information before it to allow it to make an informed decision and that the CMD should be adjourned to a full hearing of the Tribunal when evidence could be led from witnesses. The Tribunal indicated it expected to be fully addressed on the financial background and reasons for the Applicant's mother wishing to live in the property and that this should include details of all the family members who it was intended would be living there. The Tribunal also wished to be addressed in more detail on the steps the Respondent had taken to obtain alternative accommodation including details of any properties he had applied for but been refused and any applications for social housing that he had made.
5. Intimation of the date of the hearing was sent to the parties' representatives by email dated 22 March 2024.

### **The Hearing**

6. A Hearing was held by teleconference on 25 April 2024. Neither party attended nor were they represented. The Tribunal waited for about ten minutes to see if anyone joined the conference call late but no-one dialled in. The Tribunal noted that despite being given clear instructions at the CMD to provide paginated and indexed Inventories of Productions at least 7 days in advance of the hearing together with witness lists no such documents had been submitted. The Tribunal also noted that neither party or their representatives had been in contact with the tribunal administration since the CMD.
7. In light of the Applicant and the Applicant's representative's failure to attend the hearing and to communicate with the Tribunal, the Tribunal determined to dismiss the application.

### **Reasons for Decision**

8. In terms of Rule 27(2)(b) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017:-  
"the Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to:- co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly."
9. The Applicant and his representative had been given notice of the hearing but failed to attend and failed to submit any further written representations to the Tribunal. The Tribunal had insufficient information before it to make a decision and determined that the Applicant and his representative had failed to co-

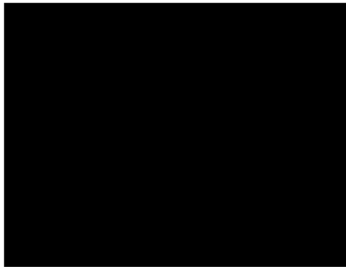
operate with the Tribunal to such an extent that it could not deal with the proceedings justly and fairly and therefore dismissed the application.

### **Decision**

10. 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.**



**Legal Member**

**25 April 2024**  
**Date**