

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision and Statement of Reasons of The First-Tier Tribunal Under Rule 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

in connection with

67E Dunbar Street, Aberdeen, AB24 3UA

Case Reference: FTS/HPC/CV/18/2120

MR STEVEN ARTHUR ("the Applicant")

MISS SUSMITA NASKAR ("the Respondent")

1. The application was made by the Applicant under Rule 70 of the Rules being an application for civil proceedings in relation to an assured tenancy. The Application was received by the Tribunal on 14 August 2018. The Applicant was seeking an order for payment for sums allegedly due by the Respondent following the end of said tenancy. The Application detailed the Respondent's address as 19 Cavendish Drive, Oxford, OX3 0SD.
2. Requests for the further information were sent to the Applicant on 23 August 2018 and 12 November 2018. The Applicant provided the information requested.
3. A notice of acceptance of the application under Rule 9 of the Rules was issued dated 4 December 2018. The Application, on face value, complied with the requirements of Rule 70 of the Rules. Subsequent to this, a Case Management Discussion was arranged for 24 January 2019.
4. Sheriff Officers attempted to serve a copy of the application and notification of the Case Management Discussion on the Respondent at the address provided in the application. They confirmed that the occupant at the address had resided there for around three years and had no knowledge of the Respondent.
5. The Case Management Discussion did not proceed as papers had not been served. The Applicant was notified of this and, on 21 January 2019, he notified the Tribunal he believed the Respondent to be residing in the United States.
6. A request for a specific residential address for the Respondent was sent to the Applicant on 6 February 2019. No response was received. In light of the amendments to the Rules taking effect from 20 February 2019, including the allowance of service by advertisement, a further request for confirmation that the Applicant wished to proceed with the Application with service by this method was sent to him on 19 February 2019. Again, no response was received.
7. A direction under Rule 16 of the Rules was issued to the Applicant on 26 March 2019. The

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, 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. Information about the appeal procedure can be forwarded to you on request.

A Houston

Mr Alastair Houston
Legal Member
3 May 2019