



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

Chamber Ref: FTS/HPC/EV/22/0237

Re: Property at 5/3 Blandfield, Edinburgh, EH7 4QJ (“the Property”)

Parties:

Ms Lishu Sun, 8 Corby Craig Gardens, Bilston, EH25 9TG (“the Applicant”)

Mr Omari Christophe Koza, 5/3 Blandfield, Edinburgh, EH7 4QJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

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. The Applicant submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. By decision dated 24 March 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant on 25 March 2022. Letters were issued on 20 April 2022 informing both parties that a case management discussion had been assigned for 31 May 2022 at 2pm, which was to take place by conference call. The parties were advised that they were required to participate in the case management discussion.

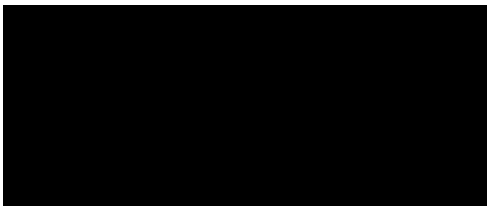
4. On 31 May 2022 a case management discussion was convened by conference call. Neither party participated. The conference line remained open until 2.30pm by which time both parties had failed to attend.

Reasons for Decision

5. In the absence of representations by or on behalf of the Applicant, the Tribunal dismissed the application. The Applicant had failed to comply with the requirement to take part in the case management discussion and failed to arrange any alternative representation. As a consequence, the First-tier Tribunal was unable to deal with the proceedings justly and fairly.

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/Chair

31 May 2022

Date