



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/3215

Re: Property at Flat 1/2, 15 Nithsdale Road, Glasgow, G41 2AL (“the Property”)

Parties:

Miss Catrin Owen, Maria-Luisa Brzezicki, 1/2, 176 Ledard Road, Glasgow, G42 9RE (“the Applicant”)

Ms Gulzar Begum, c/o GPS 467 Victoria Road, Govanhill, Glasgow, G42 8RL (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of either party)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application.

Background

1. A case management discussion took place on 17 May 2022. Reference is made to the note issued following that discussion. This case called alongside a related case which proceeds under chamber reference FTS/HPC/PR/21/3217. The Tribunal fixed a Hearing for 12 July 2022 and intimated that date to the parties by email on 10 June 2022.
2. On 24 June 2022, the Tribunal received an email from the Applicants advising that they would be unavailable to participate in the Hearing on 12 July 2022.
3. On 28 June 2022, the Tribunal advised the parties that the Hearing had been postponed and a new date would be assigned.

4. On 29 July 2022, the Tribunal advised the parties by email that a Hearing had been assigned for 1 September 2022.
5. On 3 August 2022, the Tribunal received an email from the Respondent's representative advising that he would be on holiday from 29 August to 9 September 2022 and requesting a new Hearing date. The Tribunal responded to that email on 8 August 2022 requesting clarification as to whether the Respondent was seeking a postponement of the Hearing. In that email, the Respondent's representative was advised that the Hearing would proceed as scheduled on 1 September 2022 unless he was notified otherwise.
6. The Tribunal sent an email to the Applicants on 8 August 2022, advising that the Tribunal had sought clarification from the Respondent's representative as to whether a postponement was sought. The Applicants were advised in that email that the Hearing would proceed as scheduled on 1 September 2022 unless they were notified otherwise.
7. No further correspondence was received by the Tribunal from either party.
8. The Hearing was convened by conference call at 10am. By 10.15am, neither party had joined the Hearing. In these circumstances, the Tribunal determined to dismiss the application.

Reason for Decision

9. Rule 27 (2) of the Procedure Rules sets out:-

(2) The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to—

(a) comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or

(b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.

10. In the absence of either party at the Hearing, the Tribunal was unable to determine the application justly or 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

Date 1 September 2022