

# **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 Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/23/0875**

**The Property: 7 Glasgow Road, Strathaven, ML10 6LZ (“The Property”)**

**The Parties:**

**Gebbie & Wilson, Solicitors (The Executors of Andrew Hagan Hamilton) 18 Common Green, Strathaven, ML10 6AG (“the Applicant”) and**

**The Property Store EK Ltd, 6 Hunter Street, East Kilbride, G74 4LZ (“the Applicant’s Representative”) and**

**Mr Christopher Galloway, formerly residing at 7 Glasgow Road, Strathaven, ML10 6LZ and whose current address is unknown (“the Respondent”)**

**Tribunal Member:**

**G McWilliams- Legal Member**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to dismiss the Application in terms of Rule 27 (2) (b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”)**

### **Background, Case Management Discussion and Reasons for Decision**

1. This Application was brought in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10.00am on 13<sup>th</sup> February 2024. Neither the Applicant nor their Representative attended. The Respondent did not attend. Sheriff Officers had been unsuccessful in their attempt to serve the Application papers, and notification of the CMD, upon the Respondent Mr Galloway on 30<sup>th</sup> October 2023. Thereafter service of the Application papers, and notification of the CMD, was carried out by way of advertisement on the Tribunals’ website between 22<sup>nd</sup> January 2024 and 13<sup>th</sup> February 2024.
3. The Tribunal’s office has not received any communications from the Applicant of their Representative since the latter’s e-mail, seeking amendment of Mr Galloway’s address, on 19<sup>th</sup> September 2023. The Tribunal’s office has not received any communications or representations from Mr Galloway.
4. Rule 27 (2) (b) of the 2017 Rules provides that the Tribunal may dismiss the whole or part of the proceedings if the Applicant has failed to co-operate with the Tribunal to the extent that the Tribunal cannot deal with the proceedings justly and fairly.
5. The Applicant and their Representative did not attend at the CMD today. They had not made any contact with the Tribunal’s office in advance of the CMD to intimate that they would not attend. The Tribunal’s Clerk telephoned the Representative’s office at 10.15am this morning and the call was not answered. In the circumstances the Tribunal decided that the Applicant has not co-operated with the Tribunal to the extent that they cannot deal with the Application justly and fairly. Accordingly, the Tribunal determines to dismiss the Application in terms of Rule 27 (2) (b) of the 2017 Rules.

### **Outcome**

6. The Tribunal dismisses 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.

A black rectangular box redacting the signature of the Tribunal Legal Member.

Tribunal Legal Member

Date: 13<sup>th</sup> February 2024