



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under The Tenancy Deposit Schemes (Scotland) Regulations 2011 (The Regulations)

Chamber Ref: FTS/HPC/PR/24/0709

Re: Property at 76 Gordon Street, Aberdeen, AB11 6EW (“the Property”)

Parties:

Ms Glory Imo Kalu, Flat D, 56 Marischal Street, Aberdeen, AB11 5AL (“the Applicant”)

Mr Golam Amira Mostofa Karim Begum, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the Application.

Background.

[2] On 19 June 2024, the Application called for a Case Management Discussion by conference call. The Applicant was personally present but the Application had not been properly served on the Respondent, whose whereabouts had not been established. The Tribunal made a Direction ordering that the Applicant lodge an Application for permission to serve the Application by advertisement. The Tribunal discussed with the Applicant what was involved in this.

[3] The Applicant then attempted to lodge such an Application but did not provide any track and trace report or evidence in support. The Tribunal wrote to the Applicant requesting that the Applicant supply such a report or other evidence but no further response was heard from the Applicant. The Tribunal ultimately wrote to the Applicant and said that unless a further response was received within seven days, then the Application would be dismissed. No response was received.

The Rules.

[4] Rule 27 is in the following terms:

27. — (1) The First-tier Tribunal must dismiss the whole or a part of the proceedings if the First-tier Tribunal does not have jurisdiction in relation to the proceedings or that part of them.

(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.

Decision

[5] Having considered the facts of the situation together with the Rules, the Tribunal dismisses the Application in terms of Rule 27 (2) (a).

Right of Appeal

[6] 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. McLaughlin

Legal Member/Chair

12 January 2025

Date