



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27(2) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”)**

**Chamber Ref: FTS/HPC/CV/24/2810**

**Property at 1 Rannochmoor Gardens, Dundee (“the Property”)**

**Parties:**

**Tahir Yakoob, Zaynit Yakoob, 494 – 496 Strathmartine Road, Dundee (“the Applicant”)**

**Sarah Kirkaldy, Address Unknown (“the Respondent”)**

**Tribunal Member:**

**Josephine Bonnar (Legal Member)**

**Decision (in absence of the Applicant and Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.**

**Background**

1. The Applicant lodged an application for a payment order. A related application for an eviction order was also submitted. The applications were accepted and a case management discussion was scheduled. Before the applications were served on the Respondent, the Applicant withdrew the related application because the Respondent had vacated the property. The Applicant was asked to provide a current address for the Respondent so that the application could be served or to submit an application for service by advertisement with a trace report from a Sheriff Officer.
2. The Applicant failed to respond. The scheduled CMD was cancelled and a further request was issued. When the Applicant failed again to provide the information or request service by advertisement, the Tribunal issued a direction on 14 April 2025. The direction stipulated that the Applicant must either provide a current address or submit a request for service by advertisement with a trace

report by 16 May 2025 or the application would be dismissed in terms of Rule 27 of the Procedure Rules. No response was received.

### **Reasons for Decision**

3. Rule 27(2) states, “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 the 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”
4. The Tribunal is satisfied that Rule 27(2)(a) and (b) both apply. The Applicant has failed to respond to a direction, having been notified that would result in the application being dismissed. The Tribunal is also satisfied that the Applicant’s failure to co-operate with the Tribunal means that the Tribunal cannot deal with the proceedings justly and fairly, as the application cannot be served on the Respondent and therefore cannot progress.

### **Decision**

5. The Tribunal determines that the application should be dismissed.

### **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.**

**Josephine Bonnar, Legal Member**

**19 May 2025**