

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/24/4589

Re: Property at 9B Walker Road, Aberdeen, AB11 8DQ (“the Property”)

Parties:

Cesar Properties Ltd, 17 Urquhart Terrace, Aberdeen, AB24 5NG (“the Applicant”) and

Miss Eileen Okoth Mungo, GFR 70 Nelson Street, Aberdeen, AB24 5ES (“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 2pm on 1st July 2025. Neither any person representing the Applicant nor the Respondent attended. The Tribunal noted that the details of the CMD had been sent by email to the Applicant’s director, Mr P Turzynski, on 29th March 2025. The Tribunal also noted that Sheriff Officers served the Application papers, and notification of the CMD, upon the Respondent by posting the relevant papers through the letterbox at her above address on 2nd April 2025.

3. The Tribunal's office has not received any communications from the Applicant's director Mr Turzynski, or any other person representing the Applicant, since Mr Turzynski's e-mail, seeking amendment of the payment order sum sought to £2404.00, on 11th December 2024. The Tribunal's office has not received any communications or representations from the Respondent or anyone representing them.
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 Tribunal's office had intimated the details of today's CMD to the Applicant's director, Mr Turzynski, by email sent to the email address he had used in previous correspondence with the Tribunal's office, on 29th March 2025. The Applicant was not represented at the CMD today. No-one representing the Applicant had made any contact with the Tribunal's office in advance of the CMD to intimate that the Applicant would, or could, not attend. 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 determined 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.

Tribunal Legal Member
G.McWilliams

Date: 1st July 2025