



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

Chamber Ref: FTS/HPC/CV/24/4358

Property at 150 Renfrew Street, Glasgow, G3 6RF (“the Property”)

Parties:

Mr Juliyas KC, 36 Bnerkeley Street, Glasgow, G3 7DW (“the Applicant”)

Mrs Sakineh Mostowfi Samiei, 150 Renfrew Street, Glasgow, G3 6RF (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Applicant and the 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 in relation to a tenancy deposit. Various documents were lodged with the application.
- 2.** A copy of the application was served on the Respondent by Sheriff Officer and both parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 15 September 2025 at 2pm and that they were required to participate.
- 3.** The CMD took place on 15 September 2025. Neither party attended. The Applicant did not contact the Tribunal in advance of the CMD to advise that he did not intend to attend and did not contact the Tribunal after the CMD to explain his failure to attendance.

Reasons for Decision

4. Rule 27 of the Procedure Rules states: -

(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.

5. The Applicant did not contact the Tribunal prior to the CMD. He has not contacted the Tribunal since the CMD took place. He has not confirmed whether a payment order is still required or if the dispute has been resolved. He failed to attend the CMD and has not provided an explanation for this. The Legal Member also notes that there are several issues with the application which require clarification. Based on the documents lodged with the application, it appears that the Respondent may have been a resident landlord. If so, the Tribunal does not have jurisdiction to deal with the application in terms of Section 71 of the private Housing Tenancies (Scotland) Act 2016 as the tenancy cannot be a PRT.

6. In the circumstances, the Legal Member is satisfied that the Applicant has failed to cooperate with the Tribunal to such an extent that it is not possible to deal with the proceedings justly and fairly. The Legal Member concludes that the application should be dismissed.

Decision

7. The Tribunal determined that the application should be dismissed in terms of Rule 27(2)(b) of the Procedure Rules.

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.