



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/PR/23/2262

**Re: Property at 28/1 Rodney Street, Canonmills, Edinburgh, EH7 4EA (“the
Property”)**

Parties:

**Ms Isidora Bouziouri, 13/2 Carlton Terrace, Hillside, Edinburgh, EH7 5DD (“the
Applicant”)**

**Mr Andreas Galatoulas, 18 Burnham Close, London, SE1 5RL (“the
Respondent ”)**

Tribunal Members:

Melanie Barbour (Legal Member) and Helen Barclay (Ordinary Member)

DECISION

The Tribunal dismisses the application.

BACKGROUND

1. An application was made under rule 110 of the First Tier Tribunal Rules 2017. It is an application made under section 58 of the Private Housing (Tenancies) (Scotland) Act 2016 - wrongful termination without eviction order.
2. The property is 28/1 Rodney Street, Cannonmills, Edinburgh.

3. The application case papers had been served on the Respondent by sheriff officers on 21 May 2024.
4. A case management discussion took place on the 25th of June 2024. In attendance at the case management discussion were the Applicant and the Respondent's representative, Mr Chisholm, from Messrs Clyde and Co.
5. A case management discussion note dated 2 July 2024, together with the direction dated 2 July 2024, was issued to parties with a decision that a hearing was to be fixed.
6. The Applicant requested further time to comply with the request. The Respondent submitted papers in terms of the direction. A hearing was fixed for 11 November 2024. It was postponed at the request of the Respondent (on 23 October 2024), raising issues with the Applicant's submission. A further direction was issued on 11 November 2025, providing further time to comply, in the same terms as the first, but extending the time frame to make submissions. The matter was to progress to a hearing.
7. A new hearing date was fixed for 24 February 2025. It was required to be postponed due to the non-availability of the legal member.

29 April 2025 hearing

8. A hearing was fixed for 29 April 2025. The hearing was conducted via Webex. In attendance at the hearing were the Applicant, the Respondent and the Respondent's legal representative, Mr Chisholm from Messrs Clyde and Co. Reference is made to the full terms of that hearing note.
9. The Respondent was ready to proceed on the day of that Hearing. On the morning of that hearing, the Applicant submitted an email attaching a psychologist's letter and advising that two of her witnesses would no longer be attending the hearing, her psychologist, Dr Tulloh and her partner. The

Applicant advised that she wished to call her friend, as her supporter and witness, Jairus Obayomi. The Respondent's agent objected to the late production and the new witness. The Applicant requested that if the witness was not entitled to give evidence, then the case should be adjourned in order that she could attend to give evidence at a later date, and the Respondent would have time to investigate matters. The adjournment was objected to, given the late notice, and as the Respondent was ready to proceed.

10. The Tribunal considered the various objections and the parties' positions. The Tribunal considered that, on balance, the rights and interests of the Applicant and the ability of the Tribunal to ensure fairness to both parties required that the Tribunal adjourn the proceedings until a later date. Reference is made to the Note of that Hearing. The Respondent moved for expenses, the Tribunal continued consideration of this matter.

11. A further hearing date was fixed for 27 October 2025.

Hearing on 27 October 2025

12. On 27 October 2025 at 9.24 am, the Tribunal received an email from the Applicant. She advised that she was unable to attend the hearing. She said that she had had a fever overnight, and she was in really bad shape. She asked that the case be rescheduled. She said that she would provide any medical certification available as soon as possible.

13. The Respondent attended the hearing, with his legal agent, Mr Chisholm from Messrs Clyde and Co, he also had two witnesses in attendance. The Respondent moved to have the case dismissed in terms of rule 27 of the Tribunal Rules; failing which, to have his motion for dismissal continued for production of a medical letter confirming that the Applicant was not able to attend the hearing and for the opportunity to comment on that letter; failing which, he asked that the hearing proceed today. He also moved for expenses to be awarded in his favour.

14. The Respondent's motion was based on the non-attendance of the Applicant at today's proceedings. There had been no evidence submitted by the Applicant to support her non-appearance. Her email had been submitted very late, and it was vague in its terms. To postpone a case, the hearing would need to be satisfied with evidence in the form of a doctor's soul and conscience certificate confirming that the Applicant was unable to attend. Further, he referred to his written submission about the application of 27 January and April both 2025. He submitted that there was no case to answer in this case.
15. The Respondent commented that the conduct of the Applicant was a pattern of behaviour to avoid a decision being made, and in order that this application continued to hang over the Respondent. He submitted that the Applicant's behaviour at the last hearing had caused him prejudice, both in relation to the ongoing cost of legal representation, and the impact it was having on him to have these proceedings hanging over him. He said he had done all that he could to put forward his defence, and the Applicant's conduct caused unfair delay.

LAW

***The First-tier Tribunal for Scotland Housing and Property Chamber
(Procedure) Regulations 2017 provide :-***

27.— Dismissal of a party's case

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.

The First-tier Tribunal may dismiss the whole or part of the proceedings if the Applicant has failed to— 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 co-operate with the First-tier Tribunal to such

an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.

FINDINGS IN FACT AND LAW

16. The tribunal makes the following findings in fact and law:-
17. The Applicant brought an application under section 58 of the Private Housing (Tenancies) (Scotland) Act 2016 wrongful termination without an eviction order.
18. The property is 28/1 Rodney Street, Cannonmills, Edinburgh.
19. A case management discussion took place on the 25th of June 2024 a direction was issued following that discussion.
20. A further direction was issued on 11 November 2025, providing further time to comply, in the same terms as the first, but extending the time frame to make submissions.
21. The matter was to progress to a hearing on 29 April 2025.
22. The Respondent appeared with his agent. He was ready to proceed on 29 April 2025.
23. On the morning of 29 April 2025, the Applicant asked to lodge new evidence, namely, a psychologist's letter and call a new witness.
24. The psychologist's letter was dated 20 February 2025. The new witness was her friend and neighbour. Notification of both matters could have been made earlier.
25. The Respondent objected to the new witness and evidence being allowed so late. He moved for dismissal and expenses.
26. The hearing was adjourned on 29 April 2025 on the motion of the Applicant.
27. The tribunal continued consideration of the motion for expenses.
28. The hearing was continued until 27 October 2025.
29. The Respondent appeared with his agent and witnesses. He was ready to proceed on 27 October 2025.
30. At 9.24 am on 27 October 2024, the Applicant emailed the tribunal to advise that she was unable to attend the hearing. She said that she had had a fever overnight, and she was in really bad shape. She asked that the case be rescheduled. She said that she would provide any medical certification available as soon as possible.

31. There was no medical evidence before the tribunal confirming her condition and corroborating her inability to attend.
32. The Respondent moved for the application to be dismissed. The tribunal dismissed the application.
33. The Applicant has failed to cooperate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings justly and fairly.

REASONS FOR DECISION

34. The Tribunal dismisses this application. We find that the Applicant has failed to co-operate with the First Tier Tribunal to such an extent that the First Tier Tribunal cannot deal with the proceedings justly and fairly.
35. The reasons we find for the case being dismissed are that the Applicant did not appear at the Hearing on 27 October 2025. While she emailed the Tribunal to confirm her non-attendance, she did not do so until 9.24 am on the morning of the hearing. She provided limited details of why she could not attend the hearing. She has provided no evidence in support of her position. While she indicates that she will provide “*any medical certification available as soon as possible*” This is not an undertaking to provide suitable evidence which would demonstrate that she could not appear at the Hearing. She had been notified of the hearing on 12 September 2025 and had ample time to prepare for this Hearing.
36. We also take into account that the Applicant failed to act in accordance with the direction issued and reissued in 2024 to manage the hearing procedure. On the day of the last hearing, the Applicant sought to bring a brand new witness and sought to lodge a letter from a psychologist, instead of calling that psychologist; neither matter had been notified to the Tribunal or the Respondent until the date of that Hearing. This had led to the Hearing being adjourned on the motion of the Applicant. We find her conduct on that occasion to be indicative of her inability or refusal to cooperate with the Tribunal in order that we can deal with proceedings justly and fairly.

37. We did consider continuing the motion for dismissal for the Applicant to provide medical evidence showing that she could not have attended the Hearing, however, on balance, we decided against this decision. The reason being that the last hearing had to be adjourned on the motion of the Applicant. The Respondent had complied with the Directions issued; he has employed a lawyer to deal with this case; he had attended both hearings with his lawyer; he had witnesses in attendance at the Hearing on 27 October 2025. The Respondent told the Tribunal had been stressful for him. It had cost him a lot of money already, instructing a lawyer. He worried about these proceedings hanging over him. He considered that this was deliberate conduct on the part of the Applicant to cause further anxiety and inconvenience to him by failing to appear today. He submitted that the proceedings had to be fair on both parties, and he asked that his position be taken into account. We place weight on the submission by the Respondent that this process had to be fair on both parties. To date, these proceedings have cost him time and money in putting forward his position. The Applicant's conduct in not being properly prepared at the first hearing and now not appearing on the day of the hearing was prejudicial and unfair to the Respondent. We consider that the Applicant's failure to appear means the Tribunal cannot deal with the proceedings fairly and justly.

38. We do not have any evidence before us which confirms that the Applicant cannot appear. We take into account that the Respondent has complied with all aspects of these proceedings. We consider that the delay is prejudicial to the Respondent. In all the circumstances, we consider that this application should be dismissed.

39. The respondent moved for expenses to be awarded in his favour. We will continue consideration of the Respondent's motion for expenses and issue a Direction allowing the Applicant to provide representation on this motion.

DECISION

40. 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.

Melanie Barbour

3 November 2025

Legal Member/Chair

Date