



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/PR/25/2620

Property at Flat 4, 2/1, 155 North street, Glasgow, G37DA (“the Property”)

Parties:

Mr Sungjae Kang, 200 St James Road, Glasgow, G4 0NT (“the Applicant”)

City BNB LTD, 55 Glasgow road, Rutherglen, G73 1BJ (“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 applied for a payment order in terms of Regulations 9 and 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011.
2. The application was served on the Respondent by Sheriff Officer, and the parties were notified that a case management discussion (CMD) would take place on 4 December 2025 at 2pm by telephone conference call and that they were required to participate.
3. Prior to the CMD, the Applicant notified the Tribunal that he had returned to live in South Korea and would have to dial in from there. He was advised that he could arrange to do so. Also prior to the CMD, the Tribunal issued correspondence to the Respondent by recorded delivery post. This was returned by Royal Mail marked “addressee gone away”.

4. The CMD took place on 4 December 2025. Neither party participated and there was no contact from either party in advance of the CMD
5. The Legal Member noted that there had been no contact from the Applicant since the email which confirmed that he would be calling in from South Korea. Having reviewed the application paperwork, the Legal Member determined that it was not possible to make a fair and just decision on the application in the absence of the Applicant and further information about the application. The Legal Member decided that the CMD should be continued to another date but that this would not be scheduled unless the Applicant confirmed that the application was to proceed and they would attend. In relation to the Respondent's address, the Legal Member noted that the application was successfully served on the Respondent at the address provided by the Applicant, being the current registered office address for the Respondent according to the Companies House website. It therefore appears to be a valid, current address.
6. The Tribunal issued a note and a direction to both parties. The direction stated that the Applicant was required "(1) To notify the Tribunal in writing, no later than 19 December 2025, if they wish to withdraw or proceed with the application. (2) To provide an explanation for their failure to participate in the CMD which took place on 4 December 2025. (3) If the application is to proceed, to provide the Tribunal with their current address. The Applicant should note that a further CMD will not be arranged until a response is received to this direction and the application may be dismissed in terms of Rule 27 of the Procedure Rules if the Applicant fails to respond".

Reasons for Decision

7. 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.
8. The Applicant did not participate in the CMD and did not contact the Tribunal in advance of the CMD to advise that he could not attend or request a postponement. He had previously advised the Tribunal that he would be dialling in from South Korea. The Applicant also failed to respond to the direction.
9. In the circumstances, the Tribunal 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 Applicant has also failed to comply with

a direction, having been notified that the application may be dismissed if he failed to do so. The Tribunal concludes that the application should be dismissed.

Decision

10. 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.

Josephine Bonnar, Legal Member

19 January 2025