



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/4382

Re: Property at 49 West Windygoul Gardens, Tranent, East Lothian, EH33 2LB (“the Property”)

Parties:

Mr Karim Hassam, West End House, Pencaitland, Tranent, East Lothian, EH34 5DB (“the Applicant”)

Ms Zoranna McVitie, 49 West Windygoul Gardens, Tranent, East Lothian, EH33 2LB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application.

Background

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant sought an order to evict the Respondent from the Property.
2. A case management discussion (“CMD”) took place on 10 July 2025 and the Tribunal issued a note summarising that discussion. A further CMD took place on 8 October 2025. The Tribunal issued a note to the parties following the CMD, along with a notice of direction. The notice of direction required both parties to lodge documentation. The Tribunal assigned a hearing for 20 January 2026 at 10am.

3. Both parties failed to comply with the notice of direction. As a result, the Tribunal had no information about the up to date balance of rent arrears, nor any information about the Respondent's entitlement to benefits.

The hearing – 20 January 2026

4. The Tribunal convened the hearing by conference call at 10am. Neither party joined the conference call, which remained open until 10:10am.

Reason for decision

5. The parties were directed to submit documentation to the Tribunal to assist in the determination of the application. Both parties failed to comply with the direction. Neither party attended the hearing. The Tribunal concluded that the parties had failed to cooperate with the Tribunal to the extent that it was unable to deal with the application justly and fairly. In the circumstances, the Tribunal dismissed the application in terms of Rule 27 of the 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.



Legal Member/Chair

20 January 2026
Date