



**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 awards expenses against the Applicant for expenses for the
conduct and attendance of the hearing on 29 April 2025; for the preparation of
the hearing on 29 April 2025, restricted to 25% of those costs; for the conduct
and attendance of the hearing on 27 October 2025; and for the preparation of
the hearing on 27 October 2025**

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 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 the 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.

Motion for Dismissal, expenses and alternative motion for expenses at hearing on 29 April 2025

11. As noted in full in the Note from this Hearing and Decision from 29 April 2025, the Tribunal heard from the Respondent's agent. He moved to have the application formally dismissed in terms of rule 27 of the Tribunal Rules and expenses for the whole cause. The Tribunal refused those motions as set out in our Decision of 5 May 2025. The agent made an alternative motion that if the Tribunal were not prepared to dismiss the application, it was to award expenses for the preparation and conduct of that hearing. The Tribunal did not grant or dismiss that motion but continued consideration of it.

12. In relation to the conduct of the 29 April 2025 hearing, the Applicant advised that the email she had submitted recognised that the doctor couldn't appear. It was the Applicant's position that she had told the Tribunal that the doctor could not attend. She asked the hearing to show her compassion. She believed she thought she had sent a letter from the doctor earlier. She advised that it was only on Saturday that she realised that she would need support at the hearing.

Rather than asking for a postponement, she intended to bring her witness with her as her witness and supporter. She had drafted an e-mail on 28 April 2025 to explain matters to the Tribunal, but had not been well, and therefore she sent the e-mail on the morning of 29 April 2025.

13. In relation to expenses, the Applicant submitted that she didn't have representation and an award of expenses against her would be unfair. She didn't consider that she had put the Respondent to unreasonable costs. She submitted that the Respondent did not need a solicitor to appear and represent him in these proceedings. It was his choice to have a solicitor. She advised that the true reason she'd left her property and fled her home was that she could not bear the intimidation from the Respondent. She fled her home, and she didn't look back. She applied because the Respondent did not leave her alone. The Applicant advised that this whole experience had an impact on her life. She considered the motions to dismiss the case, and the expenses were baseless. She considered that the conduct had been referred to before the application was brought. She advised that she had previously told one of the clerks in February 2025 that the doctor would not be attending the hearing. She advised that she could submit further information regarding her health.

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

Hearing on 27 October 2025

15. The hearing was conducted via Webex. 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.

16. 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.

17. The Respondent's motion was based on the non-attendance of the Applicant at the proceedings on 27 October 2025. 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.
18. 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.
19. He moved for expenses in terms of his existing motion and to include the cost of the hearing on 27 October 2025.
20. The tribunal issued a direction dated 3 November 2025, giving the Applicant until 1 December to reply to the direction; and the Respondent until 22 December 2026 to submit any response. There was no response by either party to the Direction.

LAW

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

40.— Expenses

(1) The First-tier Tribunal may award expenses as taxed by the Auditor of the Court of Session against a party but only where that party through unreasonable behaviour in the conduct of a case has put the other party to unnecessary or unreasonable expense.

(2) Where expenses are awarded under paragraph (1) the amount of the expenses awarded under that paragraph must be the amount of expenses required to cover any unnecessary or unreasonable expense incurred by the party in whose favour the order for expenses is made.

FINDINGS IN FACT AND LAW

21. The tribunal makes the following findings in fact and law:-
22. The Applicant brought an application under section 58 of the Private Housing (Tenancies) (Scotland) Act 2016 wrongful termination without an eviction order.
23. The property is 28/1 Rodney Street, Cannonmills, Edinburgh.
24. A case management discussion took place on the 25th of June 2024 a direction was issued following that discussion.
25. 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.
26. The matter was to progress to a hearing on 29 April 2025.
27. The Respondent appeared with his agent. He was ready to proceed on 29 April 2025.
28. On the morning of 29 April 2025, the Applicant asked to lodge new evidence, namely, a psychologist's letter and call a new witness.
29. 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.
30. The Respondent objected to the new witness and evidence being allowed so late. He moved for dismissal and expenses. The tribunal continued consideration of the motion for expenses.

31. The hearing was adjourned on 29 April 2025 on the motion of the Applicant.
32. The hearing was continued until 27 October 2025.
33. The Respondent appeared with his agent and witnesses. He was ready to proceed on 27 October 2025.
34. 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.
35. There was no medical evidence before the tribunal confirming her condition and corroborating her inability to attend.
36. The Respondent moved for the application to be dismissed. The tribunal dismissed the application.
37. The Applicant's unreasonable behaviour and conduct has put the Respondent to unnecessary and unreasonable expense in relation to the preparation and attendance at the hearings on 29 April 2025 and 27 October 2025.

REASONS FOR DECISION

38. In terms of the Respondent's motion for expenses for the costs of preparing and conducting the hearings of 29 April 2025 and 27 October 2025.
39. Rule 40 in relation to expenses is a discretionary matter for the Tribunal and the Tribunal may award expenses only where that party, through unreasonable behaviour in the conduct of a case, has put the other party to unnecessary or unreasonable expense.
40. First in terms of the hearing of 29 April 2025, we do consider that the Applicant has put the Respondent to unnecessary and unreasonable expense. The Applicant had a number of months in which to notify the Tribunal and the Respondent that she intended to call another witness, Ms Obayomi. In relation to the late production, the doctor's letter, the Applicant has had since 20 February 2025 to lodge that letter with the Tribunal and notify it to the Respondent. She did neither.

41. Having no ability to consider the letter until the day of the hearing did cause prejudice to the Respondent's position in terms of preparing his own case and considering what, if any, objection he intended to make. While we noted the Applicant says that she was ill over the weekend before the April hearing, she did not provide evidence that she was unable to prepare her case in the weeks and months after the case management discussion. While we did not consider that the conduct of the Applicant was fatal to her application (as discussed in the Hearing Decision of 29 April 2025) we considered that, in terms of the hearing on 29 April 2025, her conduct had been unreasonable. We do consider that the Respondent will have been put to unnecessary expense due to the failure of the Applicant to lodge the doctor's letter, to advise the doctor would not be in attendance at the hearing on 29 April 2025 to speak to this letter and to seek to call a brand new witness on the morning of the hearing who was not on her witness list.

42. We note that the Applicant had indicated that some of these matters related to her failure to be legally represented and her ill-health. The Tribunal considers that the Applicant could have obtained some advice in relation to preparation of the hearing; there is advice about agencies to contact on the Tribunal website, and failing which, there is a guidance note on the Tribunal website in terms of preparing for a hearing. Further, if she was concerned about her health in terms of progressing with the case, she could have provided a letter from her GP. None of these matters happened, and accordingly, the hearing could not progress further on 29 April 2025. We shall award expenses for this hearing.

43. In terms of the hearing on 27 October 2025, we also find that her conduct was unreasonable and again, we find that this has put the other party to unnecessary or unreasonable expense.

44. In the Tribunal's other decision for the Hearing on 27 October 2025, dismissing this case, the Tribunal found the reasons for doing so as follows:

45. 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 provided no evidence in support of her position. While she indicated that she would provide “*any medical certification available as soon as possible*”. She has not done so after the hearing. The Tribunal issued a direction on 3 November 2025 about the motion for expenses. She could have submitted evidence to support her position in response to the direction. She did not do so. We consider that her conduct on 27 October 2025 was unreasonable.

46. We also took 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 April 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. We consider that earlier conduct to have similarities with her attitude towards the Tribunal proceedings on 27 October 2025; we do not consider that she took these proceedings seriously.

47. We had regard to the fact that the Respondent had complied with the Directions issued; he had 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 these proceedings 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 on 27 October 2025. He submitted that the proceedings had to be fair to both parties, and he asked that his position be taken into account. We placed weight on the submission by the Respondent that this process had to be fair to both parties. The Applicant was critical of the

Respondent in instructing a lawyer to present his case; he is entitled to do so. The cost of instructing a lawyer was incurred without any automatic ability to recover those costs from the other party.

48. As at 27 October 2025, the Tribunal agrees that these proceedings have cost the Respondent time and money in putting forward his position. The Applicant's conduct in not being properly prepared at the first hearing and not appearing on the day of the second hearing was prejudicial and unfair to the Respondent. We consider that the Applicant's conduct in failing to appear and her failure to provide evidence to support her failure to appear is unreasonable. We consider that this conduct has put the Respondent to unreasonable and unnecessary expense.

49. Therefore we shall award expenses against the Applicant for:-

- a. The legal expenses of conducting the hearings on 29 April 2025 and 27 October 2025.
- b. Restricted legal expenses for the preparation of the hearing on 29 April 2025. The expenses are limited, as the hearing has not been dismissed, and preparation would still be required for the next hearing. The preparation for the hearing on 29 April 2025 was not, therefore wholly wasted. The Respondent's agent advised that they asked for any hearing to be adjourned to October in order that the agent himself could appear. Such a position supports the proposition that the preparation for this hearing will not require duplicated in its entirety. We therefore award legal expenses to the value of 25% of the expenses incurred in preparing for 29 April 2025 hearing; and
- c. The legal expenses for the preparation of the hearing on 27 October 2025. We award these in full given that this is the second time that the hearing has had to be discharged on the day of the hearing due to the conduct of the Applicant.

DECISION

50. The Tribunal awards expenses against the Applicant for expenses for the conduct and attendance of the hearing on 29 April 2025; for the preparation of the hearing on 29 April 2025, restricted to 25% of those costs; for the conduct and attendance of the hearing on 27 October 2025; and for the preparation of the hearing on 27 October 2025.

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

27 February 2026

Legal Member/Chair

Date