



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/1972

Re: Property at 3 - 04 Central House, 50 - 58 Jamaica Street, Glasgow, G1 4QG ("the Property")

Parties:

Ms Georgia Zacharoudes, 2 Florinis Street, 1065 Nicosia, Cyprus, Cyprus ("the Applicant")

Obianuju Amarachukwu Ugwu whose present whereabouts are to the Applicant unknown and Chinelo Nkiruka Harry Brown, 10 Ashdown Drive, Borehamwood, Hertfordshire, WD64LZ ("the Respondents")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Applicant and First Respondent)

At the adjourned Case Management Discussion ("CMD"), which took place by telephone conference on 2 April 2026, the Applicant was not and was not represented. The First Respondent was neither present nor represented. The Second Respondent was present and was represented by Mr Daniel Onifade.

Background

A CMD previously took place on 27 November 2025. The First Respondent was neither present nor represented at that CMD.

Following submissions and discussions with the Tribunal that CMD was adjourned for the following purposes all as set out in the CMD Notes thereof, namely –

"For the adjourned CMD the Tribunal expects the following of the Applicant's representative -

- i. To be able to address the Tribunal fully on the entries in the Rent Statement.*
- ii. To be able to explain what has happened to the deposit of £250 previously paid.*
- iii. To produce the debt arrears letters as well as the other "communications" referred to in the Statement of Administration Costs.*

For the adjourned CMD the Tribunal expects the following of the Second Respondent's representative –

- i. To produce the First Respondent's email of 2 February 2023 intimating her intention to remove from the Property on 2 March 2023.*
- ii. To be able to address the Tribunal fully on the sums said to be due in terms of the Rent Statement. If it is her position that the rent arrears are not due she will need to be able to articulate fully why the Rent Statement is wrong and produce evidence of any payments made that have been missed from the Statement, for example.*
- iii. To be able to address the Tribunal fully on the terms of Clause 37F of the PRT and the sums claimed thereunder by way of costs and interest.*

All additional documents to be lodged must be received no later than 14 days prior to the adjourned CMD.

Insofar as there are any issues capable of being resolved between the parties the Tribunal expects their representatives to liaise with each other and to settle any sums admitted to be due in the interim."

Absence of Applicant/Applicant's Representative

At the outset of the CMD the Tribunal noted the absence of the Applicant (who had not attended the previous CMD) and any representative.

The Tribunal noted that intimation of the CMD had been issued by email on 23 February 2026 to scotlitigation@xenialeettings.com. This is the email address of the Applicant's representative per the application to which all prior communications with regard to this application had been sent and from which all prior communications had been received.

At the previous CMD Mr Richard Arkless who attended that CMD for the Applicant did not ask that his own details be substituted for those contained within the application and no Mandate had been received from the Applicant to that effect.

Nonetheless, the Tribunal noted a mobile telephone number for Mr Arkless within the case papers and instructed the Tribunal Clerk to call Mr Arkless to ascertain if he had been instructed to attend the CMD. There was no answer and the call went straight to voicemail.

In the circumstances the Tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Applicant having received notice of the CMD and determined to proceed in the absence of the Applicant in terms of Rule 29.

Other Documents

Prior to the CMD by email dated 1 April Mr Onifade for the Second Respondent produced an additional document outwith the 14 day period allowed per the previous CMD Notes.

The CMD

At the CMD the Tribunal discussed with Mr Onifade the Second Respondent's position. He asked for the application to be dismissed in the absence of the Applicant or any representative.

He said that with regard to rent arrears due by the First Respondent to the Applicant to 2 March 2023 those figures appear to be correct but the issue of the deposit remained

outstanding and fundamentally the Second Respondent had still not received any direct intimation of any debt being due prior to the application being raised. He referred to the previous English proceedings raised by Xenia Lettings Limited in their name being not sufficient intimation of the claim to the Second Respondent as the claim was not by the Applicant and in any event Xenia Lettings did not appear and were found liable in costs.

There had been no discussions between the parties or their representatives since the CMD on 27 November 2025.

Reasons for Decision

Without explanation the Applicant was not present or represented at the CMD. The documentation that the Tribunal asked be provided by or on behalf of the Applicant prior to the adjourned CMD had not been produced and there had been no contact between the parties directly. Issues raised by the Tribunal at the previous CMD had not been explained or addressed and in the absence of the Applicant or any representative at the CMD to orally narrate the sequence of events the Tribunal was not prepared to speculate as to the position or grant any order.

The Tribunal therefore dismissed the Application.

Decision

The application is dismissed.

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.

**Gillian Buchanan
Legal Member/Chair**

**2 April 2026
Date**

Gillian Buchanan