



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 and rule 27 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”)

Chamber Ref: FTS/HPC/EV/25/2305

Re: Property at 14/1 Hawkhill Close, Edinburgh, EH7 6AL (“the Property”)

Parties:

Mr Mehdi Manshouri, 9 Duddingston Crescent, Edinburgh, EH15 3AS (“the Applicant”)

Mr Marsel Poda, Ms Gentjana Cipi, formerly residing at 14/1 Hawkhill Close, Edinburgh, EH7 6AL (“the Respondents”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The Tribunal determined that the application should be dismissed.

Background

1. An application for eviction was received on 29 May 2025 from the Applicant under Rule 109 of ‘the 2017 rules, seeking recovery of the property under Ground 1 as set out in Schedule 3 of the 2016 Act.
2. A case management discussion (CMD) was held on 5 February 2026 by telephone conference call. The Applicant was present on the teleconference call and represented himself. The First Respondent, Mr Poda, was also present on the teleconference call and represented both Respondents.
3. Mr Poda told the Tribunal that he and, the Second Respondent, Ms Cipi and their family had moved out of the property that day, shortly before the CMD commenced. They were now living in their new home.

4. The Applicant said that he had received a text message from the Respondents the previous day to say that they were going to move out of the property. He had then received another text message on the morning of the CMD to say that they were moving out that day. He had not yet received the keys from them, however.
5. Mr Poda said that he intended to return to the property and clean it before returning the keys to the Applicant later that day.
6. The Applicant told the Tribunal that once he had received the keys and was satisfied that the Respondents had moved out, he would formally withdraw his application.
7. The Tribunal therefore continued the CMD in order to allow for the Respondents to return the keys to the Applicant.
8. It was agreed that once the Applicant had received the keys and was satisfied that the Respondents had moved out of the property, he would contact the Tribunal to confirm that he wished to withdraw the application.

Reasons for the decision

9. Following the CMD, no confirmation was received from the Applicant that he wished to withdraw the application. The Tribunal wrote to the Applicant on 3 March 2026, asking him if he wished to withdraw the application or to continue with it. No response was received from him. The Tribunal again wrote to the Applicant on 20 March 2026, asking him to confirm by 27 March 2026 whether he wished to withdraw the application or to continue with it. No response was received from him.
10. On 2 April 2025, the Tribunal issued a direction to the Applicant. This was sent to the Applicant by email on 7 April 2026.
11. The direction required the Applicant to confirm no later than 14 days from the date of receipt of the direction whether he wished to withdraw the application or to continue with it. The direction also gave notice to the Applicant that if he did not comply with the direction, the Tribunal would assume that he no longer wished to continue with the application, and the application would be dismissed, in terms of rule 27(2) of the 2017 rules.
12. No response to the direction has been received from the Applicant.

13. The Tribunal therefore dismissed the application in terms of rule 27(2) of the 2017 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.

Sarah O'Neill

6 May 2026

Legal Member

Date