



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 (“the 2016 Act”) and Rule 27 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/PR/25/4777

Re: Property at 3/7 Peffer Place, Edinburgh, EH16 4BB (“the Property”)

Parties:

Mrs Umamahesvary Sivavadivel Paarivallal, 1/85 Mulapakkam Main Road, Mannampandal, Mayiladuthurai, Tamilnadu, 609305, India (“the Applicant”)

Mr Kaiser Ali, 16 Duddington Crescent, Edinburgh, EH15 3AT (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed under Rule 27 of the Rules.

Background

- 1 This is an application under rule 103 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and regulation 9 of the 2011 Regulations. The Applicant sought a determination that the Respondent is in breach of the duties under regulation 3 of the 2011 Regulations and requested the Tribunal impose a penalty against the Respondent.
- 2 In terms of regulation 9 of the 2011 Regulations, an application under rule 103 must be made within three months of the end of the tenancy. The tenancy between the parties terminated on 16 October 2025. The application was made to the Tribunal on 4 November 2025. The application is therefore timeous.

- 3 The application was accepted and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place on 1 May 2026. The Tribunal gave notice of the CMD to the parties in accordance with rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 17 March 2025 and required him to make written representations in response to the application by 4 April 2026.
- 4 On 23 and 24 March 2026 the Tribunal received written representations from the Respondent. In summary, the Respondent acknowledged the breach, explaining he had been a landlord for 26 years and had never had an issue with protecting tenancy deposits. The breach was an administrative error and not intentional. The Applicant had moved into the property quickly. This was the first time the Respondent had failed to secure a tenant’s deposit. The Respondent provided further background in terms of repairs he had carried out during the tenancy and allegations made by the Applicant. He explained that he had agreed with the Applicant that the deposit would be used for the final rent payment, provided the property was returned in a satisfactory condition. The Respondent stressed that he was not a rogue landlord, he took pride in his properties, he had always acted responsibly, and the incident was an isolated oversight. The Respondent provided photographs of the property and requested that he be allowed to submit video evidence.

The CMD

- 5 The CMD took place by teleconference on 1 May 2026 at 2pm. The Respondent joined the call. The Applicant did not. The Tribunal clerk attempted to contact the Applicant by telephone on the number provided in the application but the call did not connect. The line was held open until approximately 2.20pm before the tribunal concluded the CMD.

Reasons for decision

- 6 Rule 27(2)(b) of the Rules states that “*The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to – (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*”.
- 7 The Applicant did not attend the CMD, despite having been properly and timeously notified of same under Rule 17(2) of the Rules. It is an applicant’s responsibility to ensure that they appear, or are represented, at a scheduled CMD or hearing so that they can progress their application and assist the tribunal in determining the application. The tribunal was satisfied that the Applicant was aware, or ought to have been aware, from the terms of the Tribunal’s communications with her that there was a requirement for her to attend the CMD. She had provided no explanation for her failure to do so. Accordingly, the tribunal determined that the Applicant had not co-operated with the Tribunal to the extent that the tribunal could deal with the proceedings justly and fairly.

8 The tribunal therefore determined to dismiss the application.

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.

Ruth O'Hare

1 May 2026

Legal Member/Chair

Date