



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”).**

**Chamber Ref: FTS/HPC/CV/24/1052**

**Property at 15E POWIS CRESCENT, ABERDEEN, AB24 3YS (“the Property”)**

**Parties:**

**MISS MERIEM IDIR, 3B BELMONT ROAD, ABERDEEN, AB25 3SR (“the Applicant”)**

**MR HASSAN KHAJEH HOSSEINI, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Member:**

**Josephine Bonnar (Legal Member)**

**Sandra Brydon (Ordinary Member)**

**Decision (in absence of the Applicant and the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.**

## **Background**

1. The Parties were notified that teleconference Hearing would take place on 17 November 2025. This was postponed at the request of the Applicant as she said that she would be travelling on that date. The parties were then notified that the Hearing would take place by telephone conference call on 24 February 2026 at 10am.
2. The Hearing took place on 24 February 2026 at 10am. Neither party participated. Neither had contacted the Tribunal in advance of the Hearing.
3. The Tribunal noted that there had been no contact from the parties since the previous Hearing had been postponed. The Applicant had requested this postponement as she was due to be travelling and would not be able to participate. Having reviewed the application paperwork, and both parties’

submissions, the Tribunal determined that it was not possible to make a fair and just decision on the application in the absence of the Applicant and evidence about the various aspects of the claim. The Tribunal decided that the Hearing should be continued to another date but that this would not be scheduled unless the Applicant confirmed that the application was to proceed and she would participate. The Applicant was notified that if she failed to provide a satisfactory explanation for her failure to participate and confirm that she would participate if a further hearing was arranged, the application may be dismissed in terms of Rule 27 of the Procedure Rules 2017.

4. At 6.30pm on 24 February 2026, the Respondent sent an email to the Tribunal which stated that he had not been able to dial into the conference call. He thought that he had got the time wrong as he is currently living in the USA.
5. The Tribunal issued a note to the parties and a direction to the Applicant. In response to the direction the Applicant sent an email to the Tribunal. She apologised for her failure to attend the hearing and said that she had been unable to join the conference call as she was working outwith the UK. She added that "I will try again next time but I can't give you assurance it'll work". She added that she could provide any further documents to allow the case to proceed in her absence. In response, the Applicant was advised that the Tribunal required to hear evidence from her and that if she could not guarantee that she would participate in a further hearing, the Tribunal might decide to dismiss the application. The Applicant was also advised that many parties participate in tribunal cases by teleconference or video conference. She was asked to explain why she could not arrange to do so. No response was received.

### **Reasons for Decision**

6. Rule 27 of the Procedure Rules states: -
  - (2) The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to –
    - (a) Comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or
    - (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 participate in the CMD which took place on 24 February 2026. She did not contact the Tribunal in advance of the hearing or afterwards to request a postponement or explain her absence. A previous hearing had been arranged and was postponed at her request. A direction was issued to the Applicant which advised her that her presence at a hearing was required, and that she must provide an explanation and confirm that she would attend a future hearing. The Applicant responded to state that she was abroad and could not guarantee that she would be in a position to attend if a further hearing was

arranged. She was asked to clarify the position, as many parties participate in tribunal cases by teleconference or video conference. No response was received.

8. In the circumstances, the Tribunal is satisfied that the Applicant has failed to cooperate with the Tribunal to such an extent that it is not possible to deal with the proceedings justly and fairly. The Tribunal concludes that the application should be dismissed.

### **Decision**

9. The Tribunal determined that the application should be dismissed in terms of Rule 27(2)(b) of the Procedure 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.**

**Josephine Bonnar, Legal Member**

**3 May 2026**