



Decision on the Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to an Assured Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/PR/19/2235

Re: Flat 1/1, 640 Hawthorn Street, Glasgow, G22 6BX ("the Property")

Parties:

Halmat Galforri, 235 Alexander Parade, Glasgow, G32 3AW ("the Applicant")

Ronaldas Bilevicius, unknown address ("the Respondent")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Member: Jacqui Taylor (Legal Member)

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

1. Background.

The Applicant submitted an application to the Tribunal for payment in respect of his tenancy of Flat 1/1, 640 Hawthorn Street, Glasgow, G22 6BX dated 17th July 2019.

2. Initial Case Management Discussion 5th November 2019.

A Case Management Discussion had previously been held on 5th November 2019. The Applicant had attended. At the Case Management Discussion the Applicant asked for communications to be sent to him by email. Following that Case Management Discussion, the Tribunal issued a Direction to the Applicant dated 5th November 2019. The Direction was sent to the Applicant by email. The Direction was in the following terms:

- (i) The Applicant is to specify for the Tribunal the damages, if any, which were sought as a result of his being excluded from the Property without due process. The Applicant is to provide an explanation as to how he arrived at the figure sought and is to provide any receipts or other vouching that he has to evidence the costs incurred by him as a result of being excluded from the Property.

(ii) The Applicant is to provide the Tribunal with a list of the goods belonging to him and which were disposed of by the Respondent. The Applicant is to confirm that amount of damages, if any which were sought in respect of the disposal of goods belonging to him by the Respondent. The Applicant is to provide an explanation as to how he arrived at the figure sought and is to provide any receipts or other vouching that he has to evidence the losses suffered by him as a result of the disposal of the goods from the Property.

(iii) The information was to be given to the Tribunal by 5pm on 17th December 2019.

The Applicant did not provide the Tribunal with the information and documents required in terms of the said Direction.

3. Continued Case Management Discussion.

This case called for a Continued Case Management Discussion (CMD) Conference call on at 2pm on 4th August 2020.

The Applicant did not attend and was not represented. The Respondent did not attend and was not represented.

The Tribunal administration sent the Applicant a letter by email dated 24th June 2020 advising him of the CMD.

As the Respondent's address is not known the Tribunal Administration effected service of the details of the Continued CMD on the Respondent by advertising the Application and the Continued CMD on the Tribunal website during the period 24th June 2020 to 4th August 2020.

The Tribunal was satisfied that the requirements of Tribunal Rule 29 had been met and proceeded with the CMD.

4. Decision

The Tribunal determined:-

(First) The Applicant had not co-operated with the Tribunal by (1) not providing the information and Documents required in terms of the Direction dated 5th November 2019 and (2) not attending the Continued CMD.

(Second) As the Applicant had not provided the information and documents required in terms of the Direction dated 5th November 2019 the Tribunal could not deal with the application justly and fairly.

Accordingly, the Tribunal dismissed the Application.

5. 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

Legal Member

4th August 2020