



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/22/1562

Re: Property at 2/1 38 Silverdale Street, Glasgow, G31 4LE (“the Property”)

Parties:

Jelina Rahman, 4 Lethington Road, Giffnock, Glasgow, G46 6TB (“the Applicant”)

Mr Jordan Thomson, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the Application.

Tribunal Member:

Karen Kirk (Legal Member)

This hearing was a Case Management Discussion (hereinafter referred to as a “CMD”) which concerned an Application for civil proceedings under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The purpose of the hearing being to explore how the parties dispute may be efficiently resolved. The CMD took place by teleconference

1. Attendance and Representation

The Applicant was not present and was not represented.

The Respondent was not present and was not represented. He was served by Sheriff Officer on 19th December 2022. Thereafter he was served by

Advertisement following the Tribunal being informed he may have left the property before the Sheriff Officer service.

2. Background/Preliminary Matters

This case called previously and no one was in attendance. The Applicant's representative could not confirm why there was no appearance for the Applicant at that time. The Applicant's representative said there had been no contact with the Respondent and he had left the property on the 22nd June 2022. They were not aware of a forwarding address. On this basis the Tribunal noted the CMD could not proceed further as it was clear that no effective service had taken place on the Respondent.

The Applicant's representative said he may take steps to trace the Respondent and in the meantime it was appropriate that the Tribunal now arrange for Service by Advertisement.

Service by Advertisement had taken place.

3. Case Management Discussion

There was no attendance by either party. This was the second time that the Applicant or their representative had failed to attend the Tribunal or notify in advance of being unable to appear. As the Tribunal had previously indicated in the decision made at the Case Management Discussion where there was no attendance by either party, any failure to appear could mean the application would be dismissed.

Given this was the second time that there was no appearance the Tribunal considered in terms of the overriding objective and in accordance with Rule 27 2(b) of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* the Tribunal decided to dismiss the Application. The Tribunal considered that the Applicant had not co-operated with the First-tier Tribunal to such an extent that the Tribunal could deal with the proceedings justly and fairly.

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.

K. Kirk

17/04/2023

Legal Member/Chair

Date