



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/21/2815

Re: Property at Flat 2/3, 10 Castle Bank Drive, Glasgow, G11 6AD (“the Property”)

Parties:

Mr Mustafa Asim, 34 Bloomfield Avenue, Glasgow, G77 5JP (“the Applicant”)

Mrs Mobeen Moazzam, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Munroe (Ordinary Member)

Decision (in absence of the parties)

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

Background

1. This is a Rule 109 application made in the period between 12th November 2021 and 21st February 2022. The Applicant was seeking an eviction order in respect of the Property under ground 1. The Applicant lodged a private residential tenancy agreement between the parties which purportedly commenced on 2nd January 2019, copy Notice to Leave, section 11 notice with evidence of service, and solicitor and estate agent correspondence.
2. Notification of a Case Management Discussion to take place on 20th June 2022 was made upon the Applicant by letter dated 14th May 2022. Sheriff Officer service upon the Respondent was unsuccessful as reported by letter dated 23rd May 2022, whereby the Sheriff Officer stated that the Property was empty and unoccupied, and neighbours reported that the Respondent had vacated the Property around a month earlier.
3. Notification of a further Case Management Discussion to take place on 11th August 2022 was made upon the Applicant by letter dated 8th July 2022.

4. Service was also carried out by advertisement which appeared on the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 8th July until 11 August 2022.

The Case Management Discussion

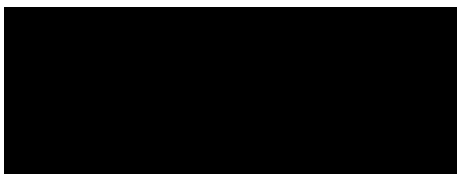
5. A Case Management Discussion (“CMD”) took place on 11th August 2022. The start of the CMD was delayed in order to allow parties to attend. Neither party was in attendance.
6. The Tribunal considered matters. The Tribunal noted that the Applicant has not responded to requests for further information from the Housing and Property Chamber since February 2022. There were significant issues in respect of the application, including the type of tenancy, and the validity and service of the Notice to Leave. The Applicant had been notified by letter that he would be expected to address these issues at the CMD, and that the seriousness of the issues may result in the order sought being refused.
7. The Tribunal decided it could not justly and fairly deal with the proceedings given the lack of co-operation from the Applicant in failing to attend or provide any further information in respect of the aforementioned issues with the application. The Tribunal decided to dismiss the application in terms of Rule 27(2)(b) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Decision

8. The application is dismissed.

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.



Legal Member/Chair

11th August 2022
Date

