



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

Chamber Ref: FTS/HPC/EV/22/4199

Re: Property at Flat 1/2 24 Kilnholm Street, Newmilns, KA16 9HD (“the Property”)

Parties:

Sunnyside Property Group, 71-75 Shelton Street, Covent Gardens, London, WC2H 9JQ (“the Applicant”)

Mr Nabil Anis Saoudi, Flat 1/2 24 Kilnholm Street, Newmilns, KA16 9HD (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (Ordinary 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 in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”)

Background

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for eviction against the Respondent.
2. By decision dated 1 March 2023, a Convenor of the housing and property chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 6 March 2023. Letters were issued on 4 April 2023 informing both parties that a CMD had been assigned for 11 May 2023 at 10am, which was to take place by

conference call. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 25 April 2023. The Tribunal did not receive any written representations on behalf of the Respondent.

4. On 11 May 2023 at 10am the Tribunal convened a CMD by conference call. Neither party participated. The conference call remained open until 10.15am by which time both parties had failed to attend.

Reasons for Decision

5. In the absence of representations by or on behalf of the Applicant, the Tribunal dismissed the application. The Applicant had failed to comply with the requirement to take part in the CMD. The Tribunal had no submissions in relation to reasonableness. As a consequence, the First-tier Tribunal was unable to 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.

N. Irvine

Legal Member/Chair

11 May 2023

Date