

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/RP/21/1843

The Property: Flat 5/1. 120 Clyde Street, Glasgow G1 4LH (“the Property”)

The Parties:

Mr Abdullah Al Husari, Flat 5/1. 120 Clyde Street, Glasgow G1 4LH (“the Applicant”), and

Mr Antony Masters, 9,2 esq Rua Antiga Liga dos Amigos da Nazare, Nazare, 2450 182, Portugal (“the Respondent”) and

Complete Clarity Solicitors, 34 Woodlands Road, Glasgow G3 6UR (“the Respondent’s Representative”)

Tribunal Members:

G McWilliams (Legal Member) and L Charles (Ordinary Member)

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber (“the Tribunal”) has determined that the Application be dismissed. The decision is unanimous.

Statement of Reasons

- 1. The Applicant lodged an Application with the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006 in documents sent to the Tribunal between 2nd August 2021 and 16th August 2021. The Respondent’s Representative notified the Tribunal that a decree, for eviction of the Applicant from the Property, had been granted at**

Glasgow Sheriff Court on 21st December 2021, by email dated 20th January 2022. The Applicant's former Representative, Legal Services Agency, Fleming House, 134 Renfrew Street, Glasgow, G3 6ST, notified the Tribunal that they were no longer instructed by the Applicant, by email dated 10th March 2022.

- 2. The Tribunal wrote to the Applicant on 29th March 2022 seeking his confirmation of whether or not he wished to proceed with the Application. They informed the Applicant that if he did not respond within a period of 14 days the Tribunal may dismiss the Application**
- 3. The Applicant did not reply to the Tribunal's letter dated 29th March 2022. In the circumstances the Tribunal have determined that the Applicant has not co-operated with them to the extent that they cannot deal with the proceedings justly and fairly. Accordingly, the Tribunal have decided to dismiss the Application, in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.**

Right of Appeal

In terms of Section 46 of the Tribunals (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 within 30 days of the date the decision was sent to them.

G. McWilliams, Legal Member

21st July 2022