



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 48 of the Housing (Scotland) Act 2014 (“the 2014 Act) and Rule 95 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/LA/24/3967

Parties:

Mr Tsonko Ivanov (“the Applicant”)

Stewart Property Management Ltd (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application has been withdrawn by the Applicant.

Background

1. The application submitted on 28 August 2024 was an application under Section 48 of the 2014 Act, namely an application to enforce the Letting Agent Code of Practice (“LACOP”) against the Respondent. Supporting documentation was submitted with the application.
2. A Notice of Acceptance of the application was issued by the Tribunal on 5 September 2024 and a Case Management Discussion (“CMD”) fixed to take place on 20 May 2025. Parties were notified accordingly.
3. The Respondent was invited to make any written representations that they wished to by 19 March 2025. No representations were received from the Respondent prior to the CMD.
4. The Applicant lodged further written representations and supporting documentation on 9 December 2024, 11 December 2024, 26 March 2025, 10

April 2025, 14 April 2025, 15 April 2025, 7 May 2025, 9 May 2025 and 13 May 2025. With his communication dated 26 March 2025, the Applicant sought to update his application against the Respondent by alleging their breach of some additional paragraphs of the LACOP.

5. The CMD took place by telephone conference call on 20 May 2025 at 10am. In attendance were the Applicant, Mr Tsonko Ivanov and both Mr Grant Stewart and Mr Graeme Stewart. Mr Grant Stewart is the Director and Mr Graeme Stewart is the Secretary of the Respondent limited company (company registration number SC260567). Mr Graeme Stewart was also the former landlord of the Applicant in terms of a tenancy which had commenced on 9 July 2020 and ended around August 2024.
6. Following the CMD, the application was adjourned to a further CMD, date and other details to be arranged. A CMD Note reflecting the discussions at the CMD was issued to parties. A Direction was also issued to the Applicant, on 18 June 2025, requiring a response within 14 days, clarifying his position in respect of the application.
7. On 30 May 2025, the Applicant sought clarification regarding the Direction and the timescales involved, to which the Tribunal responded.
8. On 4 June 2025, an email was received from The Law Clinic at Strathclyde University advising that they had recently been instructed by the Applicant. However, they did not provide a written mandate from the Applicant. This was requested by the Tribunal and was subsequently submitted on 4 July 2025, at which point The Law Clinic were added to the application as representatives of the Applicant and their submission of 4 June 2025 was circulated to the Respondent and considered by the Tribunal.
9. On 29 July 2025, clarification was sought from the Applicant's representatives as to whether the Applicant was seeking to withdraw this application entirely, pending the submission of a fresh application on behalf of the Applicant. No response was received and a reminder was issued on 26 August 2025, requesting a response by 9 September 2025. Again, no response was received and has not been received to date.
10. There has been no communication received from the Respondent since the CMD.

Reasons for Decision

1. The Tribunal considered the background to the application; the procedure which had taken place, including the CMD on 20 May 2025 and its outcome; the terms of the Tribunal's Direction issued following the CMD; the terms of the communication dated 4 June 2025 received from the Applicant's representatives; and the fact that there has been no further response from them to the Tribunal's request for clarification of the Applicant's position.

2. The Tribunal noted that the Applicant's representatives had stated in their communication of 4 June 2025:-

'We have only recently been instructed in this matter and are therefore writing to request that the submissions previously made by Mr Ivanov, be withdrawn in order for us to prepare a comprehensive and appropriate application that accurately reflects his position'

3. Having re-considered the terms of that communication and that there had been no further response on behalf of the Applicant to the Tribunal's request for further clarification, the Tribunal determined that the application was had been withdrawn in writing by the Applicant in terms of Rule 15(1)(b) and (2) of the Regulations which state as follows:-

"Withdrawal of an application

15.—(1) An application may be withdrawn by an applicant at any time—

(a) orally at a hearing; or

(b) by notifying the First-tier Tribunal and any other party.

(2) When notifying under paragraph (1)(b), the notice of withdrawal must be in writing and may be made on a form obtained from the First-tier Tribunal."

Although the Applicant's representatives may not have fully complied with the terms of Rule 15(1)(b) in that they did not appear to have directly intimated their email of 4 June 2025 on the "other party", the Tribunal noted that their email had been circulated to the Respondent by the Tribunal Administration, as had the Tribunal's response seeking further clarification. The Respondent was accordingly aware of the position and had not submitted any representations to the Tribunal regarding the matter.

4. The Tribunal's decision was unanimous.

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

23 October 2025
Date