



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/25/0020

Re: Property at 28 Lenzie Avenue, Deans, Livingston, EH54 8NP (“the Property”)

Parties:

Miss Chloe Thomson, Mr Allan Wells-Jansz, 39 Rannoch Walk, Livingston, EH54 5AH (“the Applicant”)

Ms Rukhsana Kausar, 28 Lenzie Avenue, Deans, Livingston, EH54 8NP (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application for want of insistence.

Background

1. By application dated 4 January 2025 the applicants tenants seek an award of damages in the sum of £1795 as a result of repairs issues in the tenancy. The application was conjoined with a second application by the applicants under reference FTS/HPC/CV/25/0021 in terms of which they seek a wrongful termination order and application reference FTS/HPC/CV/24/0378 in terms of which the respondent sought an order for payment in relation to in respect of rent arrears and damages arising from the applicants’ conduct.

2. Teleconference case management discussions (“cmds”) took place in relation to the conjoined applications on 22 January 2025, 8 May 2025 and 13 August 2025.
3. In light of the dispute on the facts the Tribunal determined to fix an evidential hearing to determine all 3 conjoined applications. A large volume of papers have been lodged by both parties. A case management note and Direction was issued to parties following the cmd on 13 August 2025. The Tribunal stated that parties were expected to be in attendance at the hearing to provide oral evidence to support their position. During the discussion parties were advised to consider whether they sought to lead evidence from any additional witnesses to support their position.
4. An in person hearing was scheduled for 9 January 2026. No further evidence was submitted by the applicants. On the morning of the hearing the applicants emailed the Tribunal to state that they had both tested positive for Covid. The Tribunal adjourned the conjoined applications to a further in-person evidential hearing on 20 May 2026. Neither applicant attended the hearing nor provided any explanation for their absence. The respondent was in attendance. The Tribunal determined to dismiss the application for want of insistence.

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.

Mary Claire Kelly

Legal Member/Chair

20 May 2026

Date