Housing and Property Chamber
First-tier Tribunal for Scotland

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/26/1757

Re: Property at 13 Lochshot Place, Livingston, EH54 6SJ ("the Property")

Parties:

Mrs Gillian Timothy, Mr Grant Timothy, 48 Muir Road, Dunfermline, Fife, KY12 0EG; 48 Muir Road, Dunfermline, KY12 0EG ("the Applicant")

Miss Carmen Maclean, c/o 49 Fells Rigg, Carmondean, Livingston, EH54 8PA ("the Respondent")

Tribunal Members:

Robert MacDonald (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed in terms of Rule 27(2).

1. This is an application dated 21st April 2026 for a Payment Order under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The Applicants had been landlords and the Respondent had been the tenant of the property under a Private Residential Tenancy Agreement which had come to an end.
3. In terms of the application the Applicants sought a Payment Order for £7,277.00, being the sum that they said was due in respect of damage to the let property.
4. The application was accepted as valid by the Tribunal on 16th June 2026 and referred to a Tribunal for determination. The Case Management discussion was due to take place on 10th November 2026 at 2:00pm by teleconference.
5. The Tribunal gave notice of the Case Management discussion to the parties in accordance with Rule 17(2) of the rules.

6. At the Case Management discussion on the 10th November 2026 the Respondent was present. There was however no appearance by or on behalf of the Applicants.
7. The Tribunal waited until 2:15pm to give the Applicants the opportunity to join the teleconference but they failed to do so.
8. The Tribunal noted that the matters in dispute between the parties appeared to have already been dealt with by the Tenancy Deposit Schemes adjudication procedure.
9. In terms of Rule 27(2) the Tribunal considered that the Tribunal could not deal with the proceedings justly and fairly in the absence of the Applicants and accordingly at the request of the Respondent the Tribunal dismissed the Applicants application.

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.

Robert Macdonald

Robert MacDonald
Legal Member/Chair **Date: 10 November 2026**