



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Reference number: FTS/HPC/LA/22/4035

Property address: 120 Atholl View, Prestonpans, East Lothian, EH32 9FL

The Parties:

Mr Kenneth Ross, 2 Upper Flat, Forthview, Cope Lane, Port Seaton, East Lothian, EH32 0DP (“the Applicant”)

D.J. Alexander Lettings Ltd, Orchard Brae House, 30 Queensferry Road, EH4 2HS, (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) Helen Barclay (Ordinary Member)

Decision and Reasons

The First Tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

BACKGROUND

1. The Applicant presented an application to the Tribunal seeking a letting agents enforcement order be made against the Respondent.
2. The case has a lengthy procedure. That procedure includes various postponement of previous hearings, including a postponement to accommodate the Applicant due to his work shifts meaning he was unavailable for a date which had been assigned previously. It is noted, however, that the Applicant disputed that this was as a result of a postponement request submitted by him, rather being due to a date being assigned when he was working offshore and he considered the Tribunal was aware of that.
3. A Notice of Direction had been issued by the Tribunal on 15th June 2023 requiring the Parties to produce information and documentation relevant to the application before the Tribunal. That direction was not complied with.

4. After sundry procedure, the case called for a further Hearing at 10:00am on 2nd September 2024. The Applicant did not participate in the Hearing. The Respondent was represented by one of their employees, Martin Urquhart.
5. Given the failure of the Applicant to participate in the Hearing and the failure of the Applicant to comply with the Notice of Direction previously issued by the Tribunal, the Tribunal dismissed the application for want of insistence.

DECISION

The Tribunal dismissed 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.
