



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/24/3007**

**Re: Property at Flat 3F1, 3 Grindlay Street, Edinburgh EH3 9AT (“the Property”)**

**Parties:**

**Ms Helen Donald, PO Box 652767, Benmore 2010, Johannesburg, South Africa  
 (“the Applicant”)**

**And**

**Ms Airlie Ogilvie, who resided latterly at 3F1, 3F1 Grindlay Street, Edinburgh  
EH3 9AT and whose current whereabouts are unknown (“the first named  
Respondent”), and**

**Mr Al Black, residing at 18/3 Springwell Place, Edinburgh EH14 4PL (“the second  
named Respondent”), and**

**Miss Anna-Lena Bottjer, residing at 7/14 Viewcraig Gardens, Edinburgh, EH8  
9UL (“the third named Respondent”), and**

**Miss Chloe McLachlan, residing at 4/8 Tarvit Street, Edinburgh EH3 9JY (“the  
fourth named Respondent”)**

**Tribunal Members:**

**Andrew Cowan (Legal Member)**

**Decision (in absence of the Applicant and the First Named Respondent)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that, in accordance with Rule 27 of the Tribunal rules of procedure, the Applicant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings justly and fairly and accordingly Dismisses the Application.

## Reasons for Decision

1. The Tribunal convened a Case Management Discussion (“CMD”) by teleconference on 21st October 2024 to consider an application for payment of alleged rent arrears due by the Respondents to the Applicant. The Application sought payment in terms of a tenancy agreement between the parties relative to the Property. The Application was dated 2 July 2024.
2. The application stated that the Applicant’s representative was Mr Alexander Priestly, Edinburgh Letting Centre, 162-164 Bruntsfield Place, Edinburgh EH10 4ER (“the Applicant’s representative”).
3. By letters dated 16 September 2024 all parties were notified that the Tribunal intended to hold a case management discussion by conference call on 21 October 2024 at 1400. All parties were invited to take part in the conference call.
4. The Tribunal convened the planned CMD conference call on 21 October 2024 as intimated to parties. The First Respondent did not join the CMD conference call. The Second, Third and Fourth Respondents joined the CMD by conference call.
5. Neither the Applicant nor the Applicant’s representative joined the conference call. During the CMD conference call the Tribunal clerk made attempts to contact the Applicant’s representative to determine whether they intended to join the CMD conference call. The Tribunal clerk called the Applicant’s representative on the telephone number provided in the application. Three attempts were made to contact the Applicant’s representative at that time. The Applicant’s representative did not answer any of the calls.
6. None of the parties, or any representative, had been in contact with the Tribunal in advance of the hearing to request a postponement of the CMD for any reason.
7. In the absence of the Applicant or his representative the Tribunal were unable to deal with the Application justly and fairly.
8. In all the circumstances the Tribunal could not proceed further with the CMD and decided to dismiss the application, for want of insistence, in accordance with Rule 27 of the Tribunal rules of procedure.

## 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**  
**Andrew Cowan**

**Date**  
**21 October 2024**