



**DECISION AND STATEMENT OF REASONS OF NICOLA IRVINE, LEGAL
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF
THE CHAMBER PRESIDENT**

**Under Rule 27 of the First-tier Tribunal for Scotland Housing and
Property Chamber Rules of Procedure 2017 ("the Rules")**

in connection with

**Property at 2nd Floor Left, 228 Holburn Street, Aberdeen, AB10 6DB ("the
Property")**

Case Reference: FTS/HPC/CV/24/0698

**Mr Craig Allan, Mrs Donna Allan, 30 Berryhill Circle, Westhill, Aberdeenshire,
AB32 6BE ("the Applicants")**

1. The Applicants submitted an application in terms of Rule 109 of the Rules dated 9 February 2024. In support of the application, the Applicants lodged a copy of the tenancy agreement, the Notice to Leave ("NTL"), copy bank statements, a copy section 11 notice and a rent statement.

DECISION

2. The Legal Member considered the application in terms of Rule 27 of the Chamber Procedural Rules. That Rule provides:-

Dismissal of a party's case

27.—(1) The First-tier Tribunal must dismiss the whole or a part of the proceedings if the First-tier Tribunal does not have jurisdiction in relation to the proceedings or that part of them.

(2) The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to—

- (a) comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or
- (b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.

3. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be dismissed.

Reasons for Decision

- 4. Since the application was submitted, there have been several requests by the Tribunal for further information from the Applicants. On 30 January 2025, the Tribunal issued a notice of direction, directing the Applicants to provide an address for the Respondent, failing which to make an application for service by advertisement or to withdraw the application. A response was required within 21 days. The Tribunal received an email from the Applicants' representative on 30 January 2025; that email did not provide a response as required by the notice of direction. The Tribunal issued a further email to the Applicants' representative on 10 February 2025 advising that the rules require an address to be provided for the Respondent. The Applicants' representative was again asked to provide the information previously requested. No response was received.
- 5. The Applicants have been given several opportunities to provide further information and have failed to do so. The application was submitted more than 12 months ago and the requisite information has still not been provided. The Applicants have failed to comply with the notice of direction and have failed to respond to correspondence. The Tribunal cannot deal with the proceedings justly and fairly. On that basis, the application is dismissed.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, 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. Information about the appeal procedure can be forwarded to you on request.

N Irvine

Nicola Irvine
Legal Member
25 February 2025