



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/24/4319

Re: Property at 47/2 Cumbernauld Street, Edinburgh, EH3 6RA (“the Property”)

Parties:

Mr Tyler Jeffrey, 28 Forest Gardens, Galashiels, TD1 1JX (“the Applicant”)

Burprop Investments Limited (Burprop), 120 Common Lane Culceth, Warrington, Cheshire, United Kingdom, WA3 4HN (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application under Rule 27(2) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”).

Background

- 1 This is an application under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicant sought a payment order against the Respondent in respect of a rent refund following disrepair issues at the property.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 30 June 2025. The Tribunal gave notification of the CMD to the parties in terms of Rule 17(2) of the Rules.
- 3 On 19 April 2025 the Tribunal received written representations from Mrs Lauren Harrison on behalf of the Respondent.

The CMD

- 4 The CMD took place on 30 June 2025 at 10am by teleconference. The Respondent was represented by Mrs Lauren Harrison. The Applicant did not join the call. The Tribunal clerk attempted to contact him by telephone on two occasions but the number rang out. The Tribunal delayed the start time of the CMD for a short period before determining to proceed in his absence.
- 5 The Tribunal had the following documents before it:-
 - (i) Form F application form;
 - (ii) Private residential tenancy agreement between the parties;
 - (iii) Screenshots of the Applicant's communications with the Respondent's letting agent; and
 - (iv) The Respondent's written representations.
- 6 The Tribunal explained to Mrs Harrison that in the absence of the Applicant, it was unable to properly assess the merits of the application. The application would therefore be dismissed.

Reasons for decision

- 7 Rule 27(2)(a) of the Rules states that *"The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to...(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"*. The Applicant's absence at the CMD constitutes a failure to co-operate with the Tribunal in this case. The Applicant had failed to provide any reasonable explanation as to why he was not present, nor represented. The Tribunal cannot justly reach a decision without ascertaining the Applicant's position regarding the application, and without the Tribunal having the opportunity to seek further information from him.
- 8 The Tribunal therefore determined to dismiss the application under Rule 27(2)(a).

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.

Ruth O'Hare