

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 58 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/PR/24/4623**

**Re: Property at 43A Smithfield Loan, Alloa, FK10 1NH (“the Property”)**

**Parties:**

**Mr Andrew Ross, 36 Fairfield Road, Sauchie, FK10 3DB (“the Applicant”)**

**Miss Louise McMillan, 50A Shaftesbury Street, Alloa, FK10 2LT (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.**

**Background**

1. An application was received by the Housing and Property Chamber dated 6<sup>th</sup> October 2024. The application was submitted under Rule 110 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Applicant being wrongfully evicted from the Property by the Respondent.
2. A Case Management Discussion (“CMD”) was held on 23<sup>rd</sup> May 2025. Both parties were in attendance. Parties had reached a settlement which was to be completed that day. The CMD was continued to allow the settlement to be completed. Parties were to notify the Housing and Property Chamber once the settlement was complete.
3. On 24<sup>th</sup> July 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 4<sup>th</sup> September 2025 at 2pm by teleconferencing.

### The Case Management Discussion

4. A CMD was held on 4<sup>th</sup> September 2025 at 2pm. Neither the Applicant nor the Respondent were present or represented. There was no explanation why the Applicant, in particular, was not present or represented. At on or around 2.10pm the Tribunal Clerk telephoned the Applicant to confirm if they wished to proceed with the application. There was no answer as the number went straight to a voicemail. A message was not left as it was not deemed appropriate.
5. The Tribunal dismissed the case as it was not clear that the Applicant wished to rely on the matters within the case.

### Decision

6. The application was dismissed as it was not clear that the Applicant wished to rely on the case proceeding.

### **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.**

Gabrielle Miller

4<sup>th</sup> September 2025

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Legal Member/Chair

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Date