

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

---



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

**Chamber Ref: FTS/HPC/CV/25/0605**

**Re: Property at 36 Mossvale Place, Lochmaben, DG11 1QB (“the Property”)**

**Parties:**

**Mr Christopher Kelly, 1 Riverside Gardens, Brydekirk, Annan, DG12 5LH (“the Applicant”) and**

**Hann & Co Solicitors, 1 Bridgend, High Street, Annan, DG12 6AG (“the Applicant’s Representative”) and**

**Mr Adam Murray, Flat 2, 1 St David Street, Kirkpatrick Durham, Castle Douglas, DG7 3HE (“the First Respondent”) and**

**Miss Mia Walker, Flat 2, 1 St David Street, Kirkpatrick Durham, Castle Douglas, DG7 3HE (“the Second Respondent”)**

**Tribunal Member:**

**G McWilliams- Legal Member**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to dismiss the Application in terms of Rule 27 (2) (b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”)**

### **Background, Case Management Discussion and Reasons for Decision**

- 1. This Application was brought in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).**
- 2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2pm on 22<sup>nd</sup> August 2025. The Applicant, their**

Representative and the Respondents did not attend. The Tribunal noted that the details of the CMD had been sent by email to the Applicant's Representative on 8<sup>th</sup> July 2025. The Tribunal also noted that Sheriff Officers served the Application papers, and notification of the CMD, upon the Respondents by delivering the relevant papers personally to the Second Respondent, Miss Walker, at their above address on 11<sup>th</sup> July 2025.

3. The Tribunal's office has not received any communications from the Applicant or their Representative since the Application was submitted on 12<sup>th</sup> February 2025. The Tribunal's office has not received any communications or representations from the Respondents or anyone acting on their behalf.
4. Rule 27 (2) (b) of the 2017 Rules provides that the Tribunal may dismiss the whole or part of the proceedings if the Applicant has failed to co-operate with the Tribunal to the extent that the Tribunal cannot deal with the proceedings justly and fairly.
5. The Tribunal's office had intimated the details of today's CMD to the Applicant's Representative by email on 8<sup>th</sup> July 2025. The Applicant was not represented at the CMD today. No-one representing the Applicant had made any contact with the Tribunal's office in advance of the CMD to intimate that the Applicant would, or could, not attend. In the circumstances the Tribunal decided that the Applicant has not co-operated with the Tribunal to the extent that they cannot deal with the Application justly and fairly. Accordingly, the Tribunal determined to dismiss the Application in terms of Rule 27 (2) (b) of the 2017 Rules.

### Outcome

6. The Tribunal dismisses the Application

### 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.

Gerald McWilliams

G McWilliams Tribunal Legal Member

Date: 22<sup>nd</sup> August 2025