

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) in terms of Regulation 8 of the Letting Agent Code of Practice (Scotland) Regulations 2016 and Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/LA/24/3254

The Properties: 37a 112 Thistle Street, Edinburgh and 3FR4 South Bridge Edinburgh (“The Properties”)

The Parties:

Mr Christian Linhart and Mrs Gabriela Linhart, both residing at Heuhohlweg 14, 61462 Konigstein, Germany (“the Applicants”) and

Mrs Karen Breheny, Muirtown, Crossroads, Grange Keith AB55 6NA (“the Applicants’ Representative”) and

Lewis Residential, 37 St Stephen Street, Edinburgh, EH3 5AH (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
E Dickson- Ordinary 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 Discussions and Reasons for Decision

- 1. A Case Management Discussion (“CMD”) had proceeded remotely by telephone conference call at 10.00am on 4th March 2025. Reference is made to the Notes on that CMD.**
- 2. A further CMD proceeded remotely by telephone conference call at 10.00am on 27th August 2025. The Applicants Mr and Mrs Linhart, and their Representative, Mrs Breheny, did not attend. No one attended for or on behalf of the Respondent.**

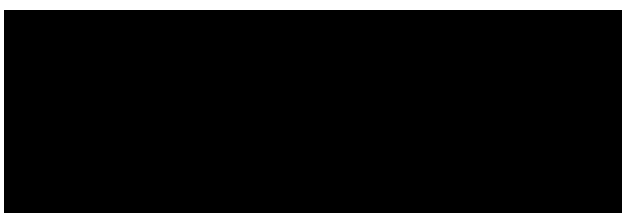
3. The Tribunal noted that the details of the further CMD had been sent by email from the Tribunal's office to the Applicants' Representative on 17th June 2025. The Tribunal also noted that the same details had been sent by post to the Respondent's last known address on 17th June 2025.
4. The Tribunal's office has not received any communications from the Applicants or their Representative since the first CMD on 4th March 2025. Given the Respondent's dissolved status, referred to in the Notes on the first CMD, the Tribunal anticipated that the Applicants, or their Representative, may contact the Tribunal's office to confirm that they were withdrawing the Application. They have not done so. The Tribunal's office has, also, never received any communications or representations from the Respondent or anyone acting on their behalf since the Application commenced.
5. Rule 27 (2) (b) of the 2017 Rules provides that the Tribunal may dismiss the whole or part of the proceedings if the Applicants have failed to co-operate with the Tribunal to the extent that the Tribunal cannot deal with the proceedings justly and fairly.
6. The Tribunal's office had intimated the details of today's CMD to the Applicants' Representative by email on 17th June 2025. The Applicants did not attend and were not represented at the CMD today. Neither the Applicants, or their Representative, had made contact with the Tribunal's office in advance of the CMD to intimate that the Applicants would, or could, not attend or that they were withdrawing the Application. In the circumstances the Tribunal have decided that the Applicants have not co-operated with the Tribunal to the extent that the Tribunal cannot deal with the Application justly and fairly. Accordingly, the Tribunal have determined to dismiss the Application in terms of Rule 27 (2) (b) of the 2017 Rules.

Outcome

7. 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.



G McWilliams Tribunal Legal Member

Date: 27th August 2025