

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 58 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/PR/25/0780

Re: Property at 37 Edmonstone Road, Danderhall, EH22 1QH (“the Property”)

Parties:

Miss Jordan Black, 39A Mayfield Place, Midlothian, EH22 5ED (“the Applicant”)

Mr Mark Henderson, Mrs Nicola Henderson, 29 Oxenfoord Drive, Pathhead, Midlothian, EH37 5QE (“the Respondents”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Applicant and the Respondents)

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

Background

1. An application was received by the Housing and Property Chamber dated 8th February 2025. 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 Applicants being wrongfully evicted from the Property by the Respondent.
2. On 28th August 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 17th October 2025 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 18th September 2025.
3. On 29th August 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondents personally. This was evidenced by Certificate of Intimation dated 29th August 2025.

4. On 29th August 2025, the Respondents emailed the Housing and Property Chamber advising that the Property had been marketed at the beginning of the year. A further submission was to be lodged. The Respondents lodge a further statement noting that the sales process started in January 2025 after repairs to the Property were completed.

The Case Management Discussion

5. A CMD was held on 17th October 2025 at 2pm by teleconferencing. 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 2.15pm 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

17th October 2025

Legal Member/Chair

Date