

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/EV/25/2462

Re: Property at 50 Appin Crescent, Kirkcaldy, Fife, KY2 6ES (“the Property”)

Parties:

Mr Robert Kay, residing at Edington Place, Dysart, Kirkcaldy, Fife, KY1 2XF (“the Applicant”) and

Martin & Co, 27 Bonnygate, Cupar, Fife, KY15 4BU (“the Applicant’s Representative”) and

Mr Jamie Christensen and Ms Chelsea Hadden, both residing at 50 Appin Crescent, Kirkcaldy, Fife, KY2 6ES (“the Respondents”)

Tribunal Members:

G McWilliams- Legal Member

A Lamont- 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 Discussion and Reasons for Decision

- 1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) 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 10am on 13th January 2026. The Applicant and the Respondents did not attend. No representatives attended. The Tribunal noted that the details of the CMD had been sent by email to the Applicant’s**

Representative on 17th November 2025. The Tribunal also noted that Sheriff Officers served the Application papers, and notification of the CMD, upon the Respondents by posting papers through the letterbox at the Property on 18th November 2025.

3. 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.
4. The Applicant and his Representative did not attend at the CMD today. They did not make any contact with the Tribunal's office in advance of the CMD to intimate that they 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 has determined to dismiss the Application in terms of Rule 27 (2) (b) of the 2017 Rules.

Outcome

5. 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.



Tribunal Legal Member

Date: 13th January 2026