

Housing and Property Chamber

First-tier Tribunal for Scotland



**First-tier tribunal for Scotland (Housing and Property Chamber)
("the tribunal")**

**DECISION: Rule 27 of the First-tier Tribunal Housing and Property Chamber
(Procedure) Regulations 2017 ("the 2017 Rules")**

Reference number: FTS/HPC/FTS/HPC/CV/24/3103

Re: Property at Braeside Cottage, Auchterarder, PH3 1HJ (the Property)

Parties:

**Mr Roddy Angus and Ms Lisa Whannel, 158 Strathtay Road, Perth, PH1 2ND
(the Applicants)**

**Mr John Watt and Ellen Watt, Drumtogle Farm, Auchterarder, PH3 1HJ (the
Respondents)**

Tribunal Member(s):

Ms. Susanne L. M. Tanner K.C. (Legal Member)

DECISION

(1) The tribunal dismissed the Application CV/24//3103 (Form F), as amended (the Application), in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, because the Applicants failed to comply with an order which stated that failure by the Applicants to comply with the order could lead to dismissal of the proceedings or part of them; and failed to cooperate with the First-tier Tribunal to such an extent that the tribunal cannot deal with the proceedings justly and fairly.

STATEMENT OF REASONS

Procedural Background

1. The former Applicants' Representative, MML Law, Meadowplace Building, Bell Street, Dundee, DD1 1EJ made an application to the tribunal on behalf of the Applicants on 12 September 2024, in terms of Rule 111 of the First-tier Tribunal

for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules). In the Form F (as amended), the Applicants seek an order for payment of damages arising as a result of an alleged unlawful eviction from the Property.

2. A second application was made on the same date on Form G under Rule 69 for damages (Ref: FTS/HPC/PR/24/4404).
3. The Form G Application and the Form F application were joined for further procedure.
4. A Case Management Discussion (CMD) on the Application and the joined Form G application took place on 19 September 2025. Reference is made to the Notes on that Case Management Discussion.
5. The tribunal issued Directions to the parties on the following dates: 19 September 2025, 21 October 2025 and 6 November 2025 (extending the date for compliance).
6. The Applicants failed to comply with the tribunal's Directions, above, in relation to the Application.
7. The former Applicants' Representative withdrew from acting in January 2026 and notified the tribunal's administration.
8. The CMD scheduled for 22 January 2026 at 1000h for cases FTS/HPC/PR/4404 and FTS/HPC/CV/24/3103 was postponed.
9. On 22 January 2026 the tribunal dismissed the joined Form G Application. Reference is made to the tribunal's decision dated 22 January 2026.
10. In relation to the present Application, the tribunal issued a Direction to the Applicants dated 13 January 2026, requiring the Applicants to comply with the orders by 5 February 2026.
 1. *If the Applicants wish to insist on Application 3103 (Form F) seeking damages for storage costs and property damage, they must (having sought any legal advice they require) lodge with the tribunal's administration no later than 5 February 2026 at 12 noon:*
 - a. *a written skeleton submission (no more than 4 pages of A4) outlining the legal basis of the claim for damages;*
 - b. *A List of Documents and bundle of documents in a numbered and page numbered electronic or paper bundle; and*

c. *a List of Authorities and bundle of legal authorities relied on, with any relevant passages clearly marked.*

2. *If the Applicants wish to withdraw the Application 3103, they should notify the tribunal's administration in writing.'*

11. The following notice was included in the Direction:

'NOTICE ABOUT DISMISSAL OF PROCEEDINGS: The Applicants and their representative are hereby notified in terms of Rule 27 of the 2017 Rules that the tribunal may dismiss the whole or part of the proceedings for one or both Applications if the Applicants fail to comply with order 1 in this Direction; or to co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.'

12. The Applicants have failed to comply with the tribunal's Directions in relation to the Application.

Application of relevant statutory provisions

13. Rule 27(b) of the 2017 Rules provides that the tribunal may dismiss the whole or part of the proceedings if the applicant has failed to comply with an order which stated that failure by the Applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or the applicant has failed to cooperate with the tribunal to such an extent that the tribunal cannot deal with the proceedings justly and fairly.

14. The Applicants have failed to comply with an order which stated that failure by the Applicants to comply with the order could lead to the dismissal of the proceedings or part of them; and the Applicants have failed to cooperate with the tribunal to such an extent that the tribunal cannot deal with the proceedings justly and fairly. The tribunal has also considered the overriding objective to deal with proceedings justly and to interpret the 2017 Rules in light of that objective. This case and the Form G application which has already been dismissed were lodged in September 2024. The Respondents have been required to participate in the proceedings since notification of the Application(s) and the fact that they had been accepted for determination. The Respondents have stated that this has placed a considerable burden on him. The Applicants have had sufficient time to instruct new legal representatives should they wish to do so; and/or to comply

with the tribunal's most recent Direction. Their lack of response suggests want of insistence on the Application.

15. The tribunal therefore dismisses the Application in terms of Rule 27 of the 2017 Rules.

16. It follows that the case 3103 is at an end and there will be no further procedure.

Appeals

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.



Ms. Susanne L. M. Tanner K.C.
Legal Member and Chair
6 February 2025