



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/24/3007

Re: Property at Flat 3F1, 3 Grindlay Street, Edinburgh EH3 9AT (“the Property”)

Parties:

Ms Helen Donald, PO Box 652767, Benmore 2010, Johannesburg, South Africa
 (“the Applicant”)

And

Ms Airlie Ogilvie, who resided latterly at 3F1, 3F1 Grindlay Street, Edinburgh EH3 9AT and whose current whereabouts are unknown (“the first named Respondent”), and

Mr Al Black, residing at 18/3 Springwell Place, Edinburgh EH14 4PL (“the second named Respondent”), and

Miss Anna-Lena Bottjer, residing at 7/14 Viewcraig Gardens, Edinburgh, EH8 9UL (“the third named Respondent”), and

Miss Chloe McLachlan, residing at 4/8 Tarvit Street, Edinburgh EH3 9JY (“the fourth named Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member)

Decision (in absence of the Applicant and the First Named Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that, in accordance with Rule 27 of the Tribunal rules of procedure, the Applicant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings justly and fairly and accordingly Dismisses the Application.

Reasons for Decision

1. The Tribunal convened a Hearing of evidence by teleconference on 16th January 2025 to consider an application for payment of alleged rent arrears due by the Respondents to the Applicant. The Application sought payment in terms of a tenancy agreement between the parties relative to the Property. The Application was dated 2 July 2024.
2. The application stated that the Applicant's representative was Mr Alexander Priestly, Edinburgh Letting Centre, 162-164 Bruntsfield Place, Edinburgh EH10 4ER ("the Applicant's representative").
3. Following a Case Management discussion held on 13th June 2025, parties were notified, by emails and attached letters dated 21st November 2025, that the Tribunal intended to hold a hearing in relation to the application by conference call on 16th January 2025 at 10am. Parties were invited to take part in the conference call.
4. Notice of the application has previously been served against the First Named Respondent by advertisement. The First Named Respondent has not entered appearance in relation to the application.
5. The Tribunal convened the planned CMD conference call on 16th January 2025 at 1000 as intimated to parties. The First Respondent did not join the CMD conference call. The Second, Third and Fourth Respondents joined the CMD by conference call.
6. Neither the Applicant nor the Applicant's representative joined the conference call at 1000. The Tribunal confirmed with the Tribunal clerk that notification of the hearing had been sent to the Applicant's named representative. That notification of the hearing on 16th January 2025 had been emailed to the Applicant's representative on 21st November 2025. The notification had been sent to the email address provided by the Applicant's representative in the application. The Tribunal waited until 1015 on 16th January 2025 to allow the Applicant or her representative time to join the conference call. Neither the Applicant or her representative had joined the call by 1015 on that date.
7. None of the parties, or any representative, had been in contact with the Tribunal in advance of the hearing to request a postponement of the CMD for any reason.
8. In the absence of the Applicant or his representative the Tribunal were unable to deal with the Application justly and fairly.
9. In all the circumstances the Tribunal could not proceed further with the CMD and decided to dismiss the application, for want of insistence, in accordance with Rule 27 of the Tribunal rules of procedure.

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.

Legal Member/Chair
Andrew Cowan

Date
16th January 2025