



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

Chamber Ref: FTS/HPC/CV/23/4629

Re: Property at 1A Kilmory Terrace, Port Glasgow, PA14 5PF ("the Property")

Parties:

ROSIE VERANDAH UK CO LTD, ROSIE VERANDAH UK CO LTD, Red Tree Magenta, Suite 1-09, 270 Glasgow Road, Rutherglen, Glasgow, Lanarkshire, G73 1UZ ("the Applicant")

Mr Jamie Roe, 21 Balfour Street, Port Glasgow, PA14 5HF ("the Respondent")

Tribunal Members:

Richard Mill (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") dismissed the application for want of insistence.

The CMD was scheduled for 2pm. The applicant's representative is well aware of the hearing but failed to join. There have been multiple issues with the application from the outset. The applicant's representative misidentified the applicant; their details have been amended. No written lease has ever been provided. The applicant's representative has attempted to amend the application to being in new matters. A Direction has been issued setting out what is required. There is no evidence that the applicant's representative has intimated the proposed amendment to the respondent as required. The amendment cannot be relied upon, and further, the basis of the new matters is not well founded based upon all documentary evidence to date. There is no evidence of a photographic inventory at the commencement of the lease. The claim sought appears excessive and does not address wear and tear and the principle of betterment. The lease has not been provided to evidence the respondent's liability. If the applicant wishes to pursue matters, they are invited to make a fresh application addressing all heads of claim and provide all relevant documentary evidence. It is not in the interests of justice to adjourn the present application in all the circumstances.

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.

Richard Mill

27 January 2026

Legal Member/Chair

Date