



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/PR/24/2495

Re: Property at 49b Main Street, Cambuslang, G72 7HB (“the Property”)

Parties:

Mrs Joanne Mackay, Mr George Mackay, 6 Hawthorn Avenue, Cambuslang, G72 7AE (“the Applicants”)

Mr Adedolepo Sanda, Mrs Evelyn Karkitie, 18 Chalmers Court, Uddingston, G71 7LR (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Applicants)

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

Background

1. By application to the Tribunal the Applicant sought a payment order against the Respondent in the sum of £2586.36, being unpaid rent and damages due following the termination of the tenancy between the parties.
2. The application was referred to a Case Management Discussion (“CMD”) which took place on 4 March 2025 by teleconference. At the CMD, Mrs Joanne Mackay represented the Applicants and Mr Adedolepo Sanda represented the Respondents. Mrs MacKay advised that she was seeking payment of £1400 in respect of damages costs, the rent arrears having been settled. Mr Sanda opposed the application and submitted that he did not believe any further sums were due.
3. The CMD was adjourned and a Hearing fixed for 12 August 2025. The Applicants were directed to fully set out the specifics of their claim for damages.

The Hearing

4. A Hearing took place on 12 August 2025 by conference call. Neither party was in attendance nor represented.
5. Prior to the Hearing, the Applicant had sought an adjournment on the basis that she stated she had a medical appointment to attend. Evidence of same was requested on 23 July and provided on 10 August. However, said evidence showed that the appointment was due to take place on 11 August 2025 and therefore did not provide an explanation as to why the Applicant could not attend the Hearing fixed for 12 August. The Respondent had been asked for their views on the Hearing being adjourned however this was not responded to.
6. The Tribunal noted that following the CMD on 4 March 2025, a Direction was issued to parties (also dated 4 March) and which required that the Applicant provide *“a full breakdown of the sums sought from the Respondent in relation to the alleged damages. The breakdown should include a description of the alleged damage for each item and be accompanied by vouching in support of the costs incurred by the Applicant, such as invoices or receipts.”* This was not complied with by the Applicant.
7. The Direction went on to require the Respondent to thereafter provide *“a response to the aforementioned breakdown of costs. In particular the Respondent should confirm what items are agreed, and what are in dispute.”* Given the Applicant’s failure to comply with their requirements under the Direction, the Respondent would have been unable to comply with this part.
8. The Tribunal decided the following:
 - (i) that the Hearing is adjourned to a future date to be hereinafter assigned, at which both parties must appear or be represented;
 - (ii) The Direction of 4 March 2025 is reissued and the Applicant must comply with their requirements by no later than 26 August 2025, and the Respondent must comply with their requirements within 14 days of receiving intimation of the Applicant’s response.
 - (iii) The Applicant must provide an explanation as to their failure to appear at the Hearing on 12 August 2025 no later than 26 August 2025.
9. On 1 September 2025 the Applicant submitted an email attaching a screenshot of an American Express statement, an invoice from Blind Options and some

photographs. No explanation was provided as to their failure to appear at the Hearing on 12 August.

10. A further Hearing took place on 23 January 2026 by conference call. The Applicants were not in attendance nor represented. The Respondent, Mr Sanda, appeared personally. Notification of the Hearing date and joining instructions for the call were sent to the Applicants by letter and email on 8 December 2025. The tribunal was satisfied that the Hearing could proceed in the Applicants' absence, they having been duly notified of their requirement to attend.
11. The Respondent submitted that he continued to oppose the application and did not consider that any sums were due to be paid. He sought dismissal of the application.
12. The tribunal was satisfied that it would be reasonable under the circumstances to dismiss the application, due to the Applicants failure to again appear at a Hearing despite being notified of their requirement to attend. The application is accordingly dismissed.

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.

Fiona Watson

Legal Member/Chair

Date: 23 January 2026