



**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/25/3192**

**Re: Property at 5 Rose Street, Lesmahagow, ML11 0HT (“the Property”)**

**Parties:**

**Mr Peter Wilkinson, Hafton Castle, Hunters Quay, Dunoon, Argyll, PA23 8HP (“the Applicant”)**

**Mr John Neil, 5 Rose Street, Lesmahagow, ML11 0HT (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision (in absence of the Applicant and the Respondent)**

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

**Background**

1. An application was received by the Housing and Property Chamber dated 17<sup>th</sup> July 2025. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based the Respondent not maintaining rent payments.
2. On 2<sup>nd</sup> December 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 15<sup>th</sup> January 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 23<sup>rd</sup> December 2025.

3. On 4<sup>th</sup> December 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 4<sup>th</sup> December 2025.
4. The case was conjoined with case FTS/HPC/EV/25/3185.

#### The Case Management Discussion

5. A CMD was held on 15<sup>th</sup> January 2026 at 10am by teleconferencing. Neither the Applicant nor the Respondent were present or represented. There was no explanation why the Applicant, in particular, was not present or represented. At on or around 10.10 am the Tribunal Clerk telephoned the Applicant to confirm if he wished to proceed with the application. There was no answer as the number with the phone ringing out. The Tribunal waited until 10.20am but neither party joined the CMD.
6. The Tribunal dismissed the case as it was not clear that the Applicant wished to rely on the matters within the case.

#### Decision

7. The application was dismissed as it was not clear that the Applicant wished to rely on the case proceeding.

#### **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.**

Gabrielle Miller

**Legal Member/Chair**

**Date 15<sup>th</sup> January 2026**