

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/PR/24/4404

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 PR/24/4404 (Form G), 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 69 of the First-tier Tribunal for

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

2. A second application was made on the same date on Form F under Rule 111 for damages (Ref: FTS/HPC/24/3103).
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 F 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 have failed to comply with the tribunal's Directions 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. The tribunal issued a Direction to the Applicants on 13 January 2026, requiring the Applicants to comply with the orders by 20 January 2026. 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.'

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

Application of relevant statutory provisions

11. 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.
12. 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.
13. The cases were lodged in September 2024 and the Applicants have consistently failed to cooperate with the tribunal to such an extent that the tribunal cannot deal with the proceedings justly and fairly. In particular, the Applicants commenced their Form G Application without a supporting report from a surveyor to quantify the claim. They have consistently failed to produce the same, despite extensions of time to produce it.
14. The tribunal therefore dismisses the Application in terms of Rule 27 of the 2017 Rules.
15. It follows that the case 4404 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
22 January 2026