



STATEMENT OF DECISION OF THE TRIBUNAL TO DISMISS APPLICATION IN TERMS OF RULE 27 OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY CHAMBER RULES OF PROCEDURE 2017

Chamber Ref: FTS/HPC/EV/25/3465

Re: Property at 33 Swallowtail Court, Dundee, DD4 0LX (“the Property”)

Parties:

Mrs Michelle D'auvergne, 56 Comrie Street, Crieff, PH7 4AX (“the Applicant”)

Miss Susan Chaplin, 33 Swallowtail Court, Dundee, DD4 0LX (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member) and Mary Lyden (Ordinary 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. This is an application for an eviction order in regard to a Private Residential Tenancy (“PRT”) made in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (as amended) (“the Rules”). The PRT is between the Parties and relates to the Property.
2. A Case Management Discussion (“CMD”) was convened by the Tribunal to be held by teleconference at 1400 on 30th March 2026.

3. By letter dated 12th February 2026 the parties had been sent confirmation of the date and time of the CMD. Parties were provided with details of how to call into the teleconference.
4. By email dated 13th February 2026 the Respondent acknowledged receipt of the details of the planned CMD. In that email the Respondent advised that - " I comply and do not dispute the landlord requesting an eviction for the above property." The Respondent also confirmed that she intended to join the CMD on 30th March 2026. A copy of the Respondent's email was sent to the Applicant.
5. The Tribunal convened to conduct the CMD by teleconference on 30th March 2026 at 1400. Neither the Applicant nor the Respondent joined the CMD call. The Tribunal was satisfied that each of the parties had been given reasonable notice of the date, time and place of the CMD and that the requirements of rule 24(1) of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Procedure Rules") had been duly complied with.
6. At the request of the Tribunal the clerk to the Tribunal made two attempts to contact the Applicant using the mobile phone number provided by the Applicant in her application to the Tribunal. The Applicant did not answer the calls made to that mobile phone number.
7. Neither 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.



30th March 2026

Legal Member/Chair

Date