



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/24/5589

Re: Property at 21 Kilbowie Road, Cumbernauld, G67 2PZ (“the Property”)

Parties:

Mr Andrew Hunter, 2A Westmount Park, Newtownards, Co Down, BT23 4BP (“the Applicant”)

Ms Marie Steel, Mr Paul White, 21 Kilbowie Road, Cumbernauld, G67 2PZ (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Applicant and Respondent)

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

- Background
 1. An application was submitted under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking an Order for Payment against the Respondent in relation to rent arrears accrued under a tenancy agreement.
- The Case Management Discussion
 2. A Case Management Discussion (“CMD”) first took place on 24 July 2025. There was no appearance by, or on behalf of, either of the parties. The Tribunal made email enquiries with a Mrs Deans who was understood by the Tribunal to be the Applicant’s representative. She submitted an up-to-date rent statement and also advised that the Applicant had instructed an alternative agent, a Mr McCauley, to represent him in the matters. The Tribunal had no notification of a new representative. After waiting until 10.15am the Tribunal determined to

continue the application to check that it was proceeding and also determined that no new date would be fixed for the application until confirmation was received from the Applicant or his representative that they wished to proceed with the application.

3. On 3 December 2025, Mr John MacAuley confirmed by email that the applicant wished the application to proceed. A New CMD was fixed for 20 March 2026. A mandate was provided and which was signed by the applicant instructing the new representative Mr MacAuley. On 19 March 2026, Mr MacAuley emailed the tribunal with an updated rent statement in advance of the CMD.
4. A Case Management Discussion (“CMD”) took place on 20 March 2026 at 10am by conference call. There was no appearance by, or on behalf of, either of the parties. At approximately 10.10am the Tribunal clerk called the mobile phone number held for the applicant’s representative, Mr MacAuley, to ascertain his whereabouts, but the phone rang out with no facility to leave a voicemail. Intimation of the date, time and joining instructions for the CMD were issued to the Respondents, and to Mr MacAuley as the applicant’s representative, on 6 February 2026.
5. Due to the failure by either party to appear or be represented, and the fact that the CMD had already been continued on one occasion to give the applicant a further opportunity to appear, the Tribunal dismissed the application in terms of Rule 27(2)(b) of the Rules, in that the applicant has failed to cooperate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly or fairly.
 - Decision
6. The application is dismissed under Rule 27(2)(b) of the Rules.

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