

Housing and Property Chamber

First-tier Tribunal for Scotland



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 Reference No: FTS/HPC/EV/23/3568

Property: 7 Caponhall Court, Tranent, East Lothian, EH33 2HF (“the Property”)

JAC Property Ventures Ltd, 72 Lawson Way, Tranent, East Lothian, EH33 2QJ (“the Applicant”) and

Mr David Scott and Miss Ashley Calder, both residing at 7 Caponhall Court, Tranent, East Lothian, EH33 2HF (“the Respondents”) and

Haddington CAB, 46 Court Street, Haddington, EH41 3NP (“the Respondents’ Representative”)

Tribunal Members:

**G McWilliams- Legal Member
E Shand- Ordinary Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application be dismissed, in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Background

1. The Applicant had applied under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) for an eviction order. The Application was submitted in October 2023 and proceeded on the ground of rent arrears.
2. There have been several postponements of scheduled evidential Hearings. The Tribunal have sought to ascertain the parties’ updated positions to ensure the good progress of the Application. The Tribunal’s casework team were last contacted by the Applicant on 24th July 2025, and by the Respondents’ Representative on 2nd September 2025. The Applicant and Respondent’s Representative have not replied to subsequent emails sent to them by the

Tribunal's casework team, seeking their up to date positions, regarding the Application. The Tribunal's casework team last sent emails to the Applicant and the Respondent's Representative on 17th April 2026. In those emails the casework team asked for parties' updated positions within 28 days failing which the Application may be dismissed. Neither the Applicant or the Respondent's Representative have replied to those emails.

Reasons for Decision

3. Neither the Applicant or the Respondent's Representative have been in contact with the Tribunal's casework team for many months. They have not replied to the team's emails. In these circumstances the Tribunal have decided that the parties have failed to co-operate with the Tribunal to the extent that the Tribunal cannot deal with the proceedings fairly and justly. Accordingly, and with regard to the Tribunal's overriding objective to deal with proceedings justly, set out in Rule 2 of the 2017 Rules, the Tribunal have determined that the Application should be dismissed in terms of Rule 27 of the 2017 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.

G.McWilliams

4th June 2026

Tribunal Legal Member

Date