



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/25/3435

Re: Property at 22E Fullarton Street, Kilmarnock, KA1 2QT (“the Property”)

Parties:

Miss Jennifer Bauld, 22E Fullarton Street, Kilmarnock, KA1 2QT (“the Applicant”)

Douglas Johnston and Nicola Johnston, 98 Station Road, Wombourne, WV5 9EN (“the Respondents”)

Tribunal Members:

Lauren Rae (Legal Member)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismisses the application due to the Applicant’s failure to appear at the Case Management Discussion.

Background

1. By application dated 10 October 2025, the applicant sought an order for payment in the sum of £5670 in terms of section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”) and Rule 111 of the 2017 Rules.
2. The Applicant sought a payment order in the sum of £5670 comprising of claims for: -
 - (i) Rent abatement
 - (ii) Alternative accommodation
 - (iii) Pest control expenses
 - (iv) Damages for loss of belongings.
3. The parties had entered into a private residential tenancy which commenced on 2 June 2025 and ended on 17 September 2025.

4. The application was accepted for determination by the First-tier Tribunal on 4 March 2026 and a case management hearing assigned for 20 May 2026.

Case Management Discussion

5. The case management discussion (“CMD”) took place on 20 May 2026 at 10am by teleconference. There was no attendance by or on behalf of the Applicant. Mr Johnston appeared on his own behalf and on behalf of Mrs Johnston.
6. The clerk assigned to the CMD attempted to telephone the Applicant without success.
7. The tribunal was satisfied that the Applicant had received reasonable notification of the date and time of the CMD in terms of Rule 24 of the 2017 Rules.
8. Mr Johnston invited the Tribunal to dismiss the application, firstly, on the basis of the Applicant’s non-attendance and secondly, that the Applicant’s claim was without merit. Mr Johnston’s position was that:-
 - (i) There was no evidence present or historic of any flea infestation within the Property. Mr Johnston relied upon the expert pest control report lodged in process
 - (ii) The evidence purportedly produced by the Applicant in support of her claim was inadequate. The Applicant had not produced receipts/evidence.
 - (iii) The Applicant had produced no correspondence with the letting agent in respect of the alleged flea infestation.
 - (iv) The evidence of loss of belongings was nothing more than photographs with “post-it notes” labelled “bin” written on them.
 - (v) The Respondents had, at all times, acted in a timely and conscientious manner when repairing issues arose, such as replacement of the washing machine.

Reasons for Decision

9. The Tribunal dismissed the application due to the Applicant’s failure to appear.
10. The Tribunal declined to determine the merits of the application. The Tribunal observed that some of the Applicant’s heads of loss appeared to be mutually exclusive and questioned the adequacy of the evidence lodged by the Applicant. Nevertheless, the Tribunal was not satisfied that it could determine the merits of the application without further information from the Applicant. Whilst the evidence accompanying the application was thin, there appeared to be, *prima facie*, evidence of the Applicant having paid a pest control company which required further exploration.

Decision

11. The Tribunal dismisses the application due to the Applicant's failure to appear.

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.

Lauren Rae

20th May 2026

Legal Member/Chair

Date