



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27(2) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/25/4717

Re: Property at Flat 4, 30 Smith Street, Ayr, South Ayrshire, KA7 1TF (“the Property”)

Parties:

Steel Property Management Ltd, 15 Angus Avenue, Prestwick, South Ayrshire, KA9 2HZ (“the Applicant”)

Ms Susan MacNeish, 20 Bencleuch Place, Bourtree Hill South, Irvine, KA11 1EL (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed under Rule 27(2) of the Rules.

Background

- 1 This is an application for a payment order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 and rule 111 of the Rules. The Applicant sought to recover unpaid rent from the Respondent arising from a private residential tenancy between the parties.
- 2 The application was accepted as valid and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place on 2 June 2026 at 2pm. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 29 April 2026 and required her to make written representations in response to the application no later than 16 May 2026.

3 No written representations were received from the Respondent.

The CMD

4 The CMD took place on 2 June 2026 at 2pm by teleconference. Neither party joined the call. The tribunal clerk attempted to telephone the Applicant's representative but the call went to voicemail. The line was held open for a short period before the tribunal concluded the CMD.

Reasons for decision

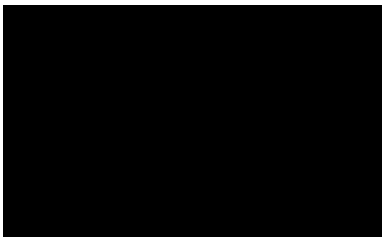
5 Rule 27(2)(b) of the Rules states that "*The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to – (b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly*".

6 The Applicant did not attend the CMD, despite having been properly and timeously notified of same under Rule 17(2) of the Rules. It is an applicant's responsibility to ensure that they appear, or are represented, at a scheduled CMD or hearing so that they can progress their application and assist the tribunal in determining the application. The tribunal was satisfied that the Applicant was aware, or ought to have been aware, from the terms of the Tribunal's communications that there was a requirement for them to attend the CMD. They had provided no prior explanation for their failure to do so. Accordingly, the tribunal determined that the Applicant had not co-operated with the Tribunal to the extent that the tribunal could deal with the proceedings justly and fairly.

7 The tribunal therefore determined to dismiss the application.

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.



Ruth O'Hare

Legal Member/Chair

2 June 2026

Date