



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 58 and 59 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/PR/25/0021

Re: Property at 28 Lenzie Avenue, Deans, Livingston, EH54 8NP (“the Property”)

Parties:

Mr Allan Wells-Jansz, Miss Chloe Thomson, 39 Rannoch Walk, Livingston, EH54 5AH (“the Applicants”)

Ms Rukhsana Kausar, 28 Lenzie Avenue, Deans, Livingston, EH54 8NP (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Applicants)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application for want of insistence.

Background

1. By application dated 4 January 2025 the applicants sought a wrongful termination order under section 58 of the Private Housing (Tenancies)(Scotland) Act 2016. The application was conjoined with 2 other applications between the parties: application reference FTS/HPC/CV/24/0378 and application reference FTS/HPC/CV/25/0020.
2. Teleconference case management discussions (“cmds”) took place in relation to the conjoined applications on 22 January 2025, 8 May 2025 and 13 August 2025.

3. In light of the dispute on the facts the Tribunal determined to fix an evidential hearing to determine all 3 conjoined applications. A case management note was issued to parties following the cmd on 13 August 2025. The Tribunal indicated that the applicants should submit evidence from any independent witnesses who can confirm the position regarding the landlord's occupation of the property, for example evidence from neighbours or anyone not related to the parties who can provide objective evidence. The Tribunal requested that the applicants set out the basis upon which they seek the maximum award available and provide any relevant documentary evidence. No further evidence was submitted by the applicants following the cmd.
4. An in person hearing was scheduled for 9 January 2026. On the morning of the hearing the applicants emailed the Tribunal to state that they had both tested positive for Covid. The Tribunal adjourned the conjoined applications to a further in-person evidential hearing on 20 May 2026. Neither applicant attended the hearing nor provided any explanation for their absence. The respondent was in attendance. The Tribunal determined to dismiss the application for want of insistence.

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.

Mary Claire Kelly

Legal Member/Chair

20 May 2026

Date