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 Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/26/2130

Re: Property at 10A Red Admiral Court, Dundee, Angus, DD4 0NN ("the Property")

Parties:

Mr Kristoffer Henry, 14F Keptie Street, Arbroath, Angus, DD11 1RG ("the Applicant")

Belvoir Dundee, 26-28 High Street, Dundee, Angus, DD1 1TA ("the Respondent")

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that

- Background

1. This is an application for an order for repayment of an overpayment of rent alleged to have been made to the Respondent in terms of the Applicant's private residential tenancy of the Property. It called for a case management discussion ('CMD') at 2pm on 4 November 2026 by teleconference. Neither the Applicant nor the Respondent appeared or was represented on the call.

2. Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules') states (so far as relevant to this case):

"27.— Dismissal of a party's case

…

(2) 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."

3. An applicant is expected to be present at any calling of the case to confirm whether or not they still wish to pursue the remedy sought in the application. In any event, in this case, there is a question as to whether this application has been correctly directed at what appear to have been the letting agents, rather than the landlord under the tenancy. In the absence of any appearance from the Applicant at the CMD to allow clarification of that issue, and to confirm insistence on the remedy sought, the Tribunal cannot determine the application justly or fairly. In particular, it would not be just or fair for the matter to be adjourned to a further CMD, where it is unclear that the Applicant is still insisting on it. The application therefore falls to be dismissed in terms of Rule 27(2)(b) of the Rules.

- Decision

Application dismissed.

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.

[redacted]

Legal Member/Chair

4 November 2026
Date