

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Decision with Statement of Reasons by the First-tier Tribunal for Scotland (Housing and Property Chamber) in an Application under Section 48 of The Housing (Scotland) Act 2014 (“The Act”)

Reference number: FTS/HPC/LA/25/3789

The Parties:

Dr Lynn. B.(Marie) Filion (“The Applicant”)

Eve Property Management (“the Respondent”)

The Tribunal Members:

Legal Member: Mr Andrew McLaughlin-

Ordinary Member: Mrs Sara Hesp

Background

[1] In terms of Section 48 of the Act, the Applicant seeks findings that the Respondent has failed to comply with their obligations under the Letting Agent Code of Practice (“The Code”).

[2] When this Application called for a Case Management Discussion (“CMD”) at 2pm on 13 March 2026, there was no appearance by the Applicant. The Respondent was represented. Both parties had received notification of the date and time of the Hearing. The day before the Tribunal, the Applicant had submitted an extremely brief email to the Tribunal seeking a postponement. The only reason given was that “*I have a client meeting*”. That was refused by the Tribunal on the basis that there was not a credible basis to find that it was in the interests of justice to postpone a judicial hearing at such short notice for such a vague reason.

[3] The refusal of that decision was communicated to the Applicant. When the hearing then started at the appointed time, the clerk reported to the members that the Applicant had telephoned the case workers and informed them that she was in Canada and had difficulty joining the call. She was asked to provide her telephone contact details. The

Tribunal clerk then attempted to add the number provided to the conference call but it could not be connected.

[4] The Tribunal was unimpressed that the Applicant had attempted to postpone the Tribunal, been informed that the Tribunal would go ahead and then wait until the last possible moment to inform the Tribunal that she was in Canada which may obviously have required some additional planning. The Tribunal did not consider that it would be in any way fair to the Respondent to delay proceedings in these circumstances.

[5] Accordingly, the Tribunal refused the application on the basis that it appeared to be no longer insisted upon.

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.

Andrew McLaughlin

Legal Member/Chair

13 March 2026

Date