



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/3650

Re: Property at 16 Balmellie Street, Turriff, AB53 4DU (“the Property”)

Parties:

Mr Gavin Cumming, Dalmore, Shandcross, Turriff, AB53 5PL (“the Applicant”)

Miss Jasmin Calder, 120 High Street, Cumiestown, Turriff, AB53 5YH (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the case should be dismissed.

Background

1. By application dated 26th August 2025, the applicant sought an order under section 51 of the 2016 Act and in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (procedure) Regulations 2017 (“the procedure rules”). On 4th December 2025 the application was accepted by the tribunal and referred for determination by the tribunal.
2. A Case Management Discussion (CMD) was set to take place on 13th April 2026, and appropriate intimation of that hearing was given to all parties.

The Case Management Discussion

3. The CMD took place on 13th April 2026 *via* telephone conference call. The applicant was personally present. The Respondent was not present, or represented.

4. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
5. The tribunal asked various questions of the applicant's representative with regards to the application.
6. He confirmed that the applicant did not wish for the order for eviction to be made as the tenant had vacated the Property on or around 20th December 2025.

Reasons for Decision

7. The tribunal was satisfied that the tenant had vacated the Property and the applicant had vacant possession of the property. The tribunal accepted the unchallenged evidence of Mr Cumming.

Decision

8. The action was to be dismissed 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.

Craig Chisholm

13/04/26

Legal Member/Chair

Date