



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

Chamber Ref: FTS/HPC/EV/25/5229

Re: Property at Flat 2/R, 34 Gateside Street, Largs, KA30 9LJ (“the Property”)

Parties:

Mrs Fiona Harris, 18 Balmoral Close, Penrith, Cumbria, CA11 9BJ (“the Applicant”)

Mr Richard Agger, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Applicant and 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 2 December 2025, the Applicant sought an order under rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”).
2. On 29 January 2026, the application was accepted by the Tribunal and referred for determination.
3. A case management discussion (CMD) was set to take place on 9 October 2026, and appropriate intimation of that hearing was given to all parties, including service on the Respondent by advertisement on 21 August 2026.

The Case Management Discussion

4. The CMD took place on 9 October 2026 via telephone conference call. The Applicant was not present or represented. The Respondent was not present or represented.

Findings in Fact

5. The Respondent no longer resided at the Property, having vacated in March 2026.

Reasons for Decision

6. The Tribunal was satisfied that proceedings were not required on account of the above fact and, in the absence of attendance by the Applicant to confirm otherwise, dismissed the case.

Decision

7. The Tribunal dismissed the case.

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.



Legal Member/Chair

Date 9th October 2026