

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 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Reference No: FTS/HPC/EV/24/0726

Property: 16 Ladyland Road, Maybole, KA19 7DH (“the Property”)

Mrs Alice Abbott, 56 Monument Road, Ayr (“the Applicant”) and

Donald Ross Residential, 1 Beresford Terrace, Ayr, KA7 2ER (“the Applicant’s Representative”) and

Mr Ross Milligan, 16 Ladyland Road, Maybole, KA19 7DH (“the Respondent”) and

Ayr Housing Aid Centre, 7 York Street, Ayr, KA8 8AN (“the Respondent’s Representative”)

Tribunal Members:

G McWilliams- Legal Member

A Khan - Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) refuses the Application and makes no order against the Respondent.

Introduction

1. The Applicant has applied under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) (Application for an eviction order).

Case Management Discussion

1. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call on 3rd September 2025. Reference is made to the Notes on the CMD.

Evidential Hearing on 23rd January 2025.

2. An evidential Hearing proceeded remotely by telephone conference call at 10am on 23rd January 2025. The Respondent Mr R Milligan and the Respondent's Representative's Mr D. Anderson attended. The Applicant did not attend and no-one from her Representative's office attended. The Tribunal's clerk called the Representative's office at 10.10am and 10.20am and was told that the Representative did not wish to attend the Hearing.
3. Mr Anderson stated that Mr Milligan had a confirmed offer of a tenancy of alternative accommodation from his local authority. In the absence of the Applicant and her Representative, Mr Anderson sought that the Tribunal refuse the Application for want of insistence by the Applicant.

Reasons for Decision

4. The Tribunal considered all of the Application papers and the submission of Mr Anderson. Neither the Applicant nor her Representative had contacted the Tribunal's office since the CMD or attended the Hearing to make any representations or submissions regarding the Application. Mr Milligan will shortly be leaving the Property to take up his new tenancy. In the circumstances the Tribunal found in fact and law that the Applicant is not insisting on the grant of an eviction order and decided that it is reasonable to refuse the Application.

Decision

5. The Tribunal refused the Application for an order for possession of the Property.

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.

G McWilliams

23rd January 2025

Legal Member

Date

