

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

Chamber Ref: FTS/HPC/EV/25/0620

Re: Property at 3 The Stables Rosley, Arbroath, DD11 3RB (“the Property”)

Parties:

Mrs Carolina Palmieri, Rosely Tower House, Forfar Road, Arbroath, DD11 3RB (“the Applicant”)

Mr Roark Anderson, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be dismissed in terms of Rule 27 (2) (b).

Background

This is an application under Rule 109 and section 51(1) of the Act for eviction and recovery of possession on Ground 12 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 11 December 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 18 December 2023;
3. Notice to Leave dated 1 November 2024 served by email on the same date;
4. Section 11 Notice to Local Authority served by email;
5. Rent Arrears Statement;
6. Sheriff Officers Report of Attempted Service of CMD Notification on the Respondent dated 1 September 2025.

Case management Discussion (CMD)

The case called for a CMD by telephone on 7 October 2025. Neither Party participated.

The Tribunal delayed the start of the CMD to see if either Party would dial in but they did not.

The Tribunal were satisfied that the Applicant had received notification of the Case Management Discussion. The Sheriff Officer's Report confirmed that the Sheriff Officers had been unable to serve the notification on the Respondent. The Sheriff Officers also reported a telephone conversation with the applicant who confirmed the Respondent moved out of the property in November 2024.

In light of the non-attendance of either Party and the lack of information available to the Tribunal to determine the matter the Tribunal decided to dismiss the application in terms of Rule 27(2)(b) and the Tribunal could not determine matters justly and fairly.

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.

Alan Strain 7 October 2025

Legal Member/Chair

Date
