



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 19 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/24/5191

Re: Property at 33 Smithfield Loan, Alloa, FK10 1NH (“the Property”)

Parties:

Mr William McLellan Scott, Rosehall, Balado House, Kinross, KY13 0NJ (“the Applicant”)

Miss Katherine Sutherland, 33 Smithfield Loan, Alloa, FK10 1NH (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Williams (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that no order should be granted

Background

1. The Applicant lodged a Rule 65 application with associated paperwork which was received in the period between 12th November 2024 and 4th April 2025. The Applicant was seeking an order for possession under grounds 14 and 15.
2. The application was accepted on 29th April 2025.
3. By email dated 15th June 2025, the Applicant informed the Housing and Property Chamber that the Respondent had vacated the Property and the Applicant did not require the Tribunal to proceed any further.
4. By email dated 16th June 2025, the Housing and Property Chamber administration requested confirmation that a withdrawal of the application was being sought.
5. No response was received from the Applicant and the application was scheduled for a Case Management Discussion (“CMD”) to take place by telephone conference on 22nd October 2025.

6. Notification of the CMD was made upon the parties on 8th September 2025.

The Case Management Discussion

7. A CMD took place by telephone conference on 22nd October 2025. Neither party was in attendance. The Tribunal noted that notification of the application and CMD had been made at the Property many months after the Respondent was said to have vacated the Property, therefore, there had been no service upon the Respondent.

Reason for Decision

8. The Tribunal noted that the Applicant had clearly indicated that no further procedure was required as the Respondent had vacated the Property. It was not clear why the application was not considered to be withdrawn at that stage.

Decision

9. No order for possession is granted.

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.

Helen Forbes

Legal Member/Chair

22nd October 2025
Date