

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) in terms of Rules 17 and 30 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”) and Rule 66 of the Rules

Chamber Ref: FTS/HPC/EV/24/2736

Re: 52, South Beach, Troon, KA10 6EF (“the Property”)

Parties

Ms Annie Howie residing at 70, South Beach, Troon, KA10 6EG (“the Applicant”)

Ms Angela Bonnar residing formerly at the Property (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Anne Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the recall application be refused.

Background

1. By application received on 17 June 2024 (“the Application”), the Applicant, Mrs. Howie applied to the Tribunal for an Order for eviction and possession of the Property in terms of Section 33 of the Act. A case management discussion (CMD) took place on 13 December 2024 at 10.00, the outcome of which was that a Hearing of evidence was fixed for 22 April 2025 at 10.00.
2. Prior to the Hearing, both Parties submitted written representations. In addition, the Respondent’s then agents submitted further written representation of on her behalf.
3. The Hearing of evidence took place on 22 April 2025 at 10.00 at Glasgow Tribunal Centre, York Street. Mrs. Howie was present and was unrepresented. The Respondent, Ms. Bonnar was not present and was not represented. The Tribunal was satisfied that Ms. Bonnar was fully aware of the Hearing and so proceeded in her absence.

4. At the Hearing, the Tribunal had full regard to the oral evidence of Mrs. Howie and the written representations submitted by or on behalf of both Parties.
5. The outcome of the Hearing was that that Tribunal granted the Application and granted an Eviction Order, both dated 22 April 2025.

Rule 30 Application

6. By email dated 28 April 2025, the Respondent submitted a request for a recall of the Tribunal's decision and Order. The email inferred that there had been further written representations submitted on behalf of the Respondent which had not been before the Tribunal or had not been taken into account by the Tribunal in reaching its decision. Accordingly, in terms of Rule 17(f), the Tribunal fixed a case management discussion (CMD) for 13 October 2025 to discuss the application for recall.
7. The CMD was notified to the Parties. The Respondent by email dated 29 May 2025 stated: "*we've decided it's totally futile and not worth a second more of our time and energy - to continue to pursue any justice in the above case.*" The Tribunal enquired if the Respondent intended to withdraw the application for recall. The Respondent did not reply.
8. Prior to the Rule 30 CMD, the Applicant submitted further written representations.

Rule 30 CMD

9. The Rule 30 CMD took place on 13 October 2025 at 10.00 at Glasgow Tribunal Centre, York Street. Mrs. Howie, the Applicant, was present and was unrepresented. The Respondent, Ms. Bonnar, was not present and was not represented. She did not submit further written representations or lodge any productions. The Tribunal was satisfied that Ms. Bonnar was fully aware of the CMD and so proceeded in her absence.
10. Mrs. Howie confirmed that she opposed the application for recall. She explained that the Respondent, Ms. Bonnar, had vacated that the Property and that she had had no contact with her nor did she have any contact details for her. Mrs. Howie stated she had, in effect, recovered possession of the Property and was in the process of selling it.

Finding in Fact.

11. The Tribunal had no evidence or facts in support of the application for recall.

12. The Tribunal accepted the Applicant, Mrs. Howie's, evidence and found that the Respondent has vacated the Property and that the Property is being sold.

Issue for the Tribunal

13. The issue for the Tribunal was whether or not it should recall the Decision and Order.

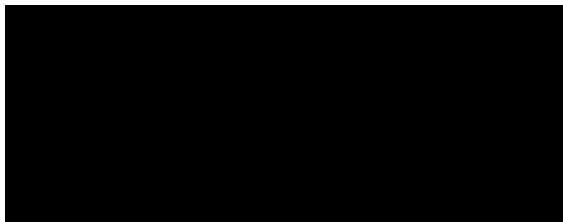
Decision and Reason for the Decision.

14. As the Tribunal has no evidence in support of the application for recall and as the Respondent has vacated the Property, the Tribunal refused the application for recall.

15. This decision is unanimous.

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.



13 October 2025