



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 Ref: FTS/HPC/EV/25/0947

Re: Property at Flat 1-2, 66 Dempster Street, Greenock, PA15 4EB (“the Property”)

Parties:

Mr Marcus Critchlow, Mrs Kirsteen Waugh Critchlow, 1 Ratho Street, Greenock, PA15 2BU (“the Applicants”)

Miss Nicole Lincoln, Flat 1-2, 66 Dempster Street, Greenock, PA15 4EB (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of both parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background
1. This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicants. It called for a case management discussion (‘CMD’) at 2pm on 11 November 2025 by teleconference. Neither the Applicants nor the Respondent appeared or was represented on the call. The commencement of the CMD was delayed by 10 mins to allow for any technical difficulty, but there remained no contact.

2. Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules') states (so far as relevant to this case):

"27.— Dismissal of a party's case

...

(2) The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to—

...

(b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly."

3. In this case, the application is for an eviction order. While the application is accompanied by various supporting documentary evidence, there is nothing in the application that addresses the question of whether it is reasonable for the Tribunal to grant that order. It is not even clear whether the order in question is still sought by the Applicants, or whether the matter has resolved. In the absence of any appearance from the Applicants at the CMD to allow clarification of these issues, the Tribunal cannot determine the application justly or fairly. The application therefore falls to be dismissed in terms of Rule 27(2)(b) of the Rules.

- Decision

Application dismissed.

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.

Nairn Young

Legal Member/Chair

11 November 2025
Date