

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 71 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/EV/25/1965

Re: Property at Flat 2/1, 6 Castle Street, Paisley, PA1 2JW (“the Property”)

Parties:

Mrs Ann Marie Herre, 36 Molesey Road, West Molesey, KT8 2HF (“the Applicant”) and

24-7 Property Scotland Ltd, 1257 Shettleston Road, Glasgow G32 7NG (“the Applicant’s Representative”) and

Mr Philip Dierikx, Flat 2/1, 6 Castle Street, Paisley, PA1 2JW (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

S Brydon- Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to dismiss the Application in terms of Rule 27 (2) (b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”)

Background, Case Management Discussion and Reasons for Decision

- 1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).**
- 2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10am on 11th December 2025. The Applicant and the Respondent did not attend. No representatives attended. The Tribunal noted that the details of the CMD had been sent by email to the Applicant’s**

Representative on 22nd October 2025. The Tribunal also noted that Sheriff Officers served the Application papers, and notification of the CMD, upon the Respondent, by posting relevant papers through the letterbox at the Property on 23rd October 2025.

- 3. Rule 27 (2) (b) of the 2017 Rules provides that the Tribunal may dismiss the whole or part of the proceedings if the Applicant has failed to co-operate with the Tribunal to the extent that the Tribunal cannot deal with the proceedings justly and fairly.**
- 4. The Applicant and their Representative did not attend at the CMD today. They have not made any contact with the Tribunal's office in advance of the CMD to intimate that they would, or could, not attend. In the circumstances the Tribunal decided that the Applicant has not co-operated with the Tribunal to the extent that they cannot deal with the Application justly and fairly. Accordingly, the Tribunal has determined to dismiss the Application in terms of Rule 27 (2) (b) of the 2017 Rules.**

Outcome

- 5. The Tribunal dismisses the Application**

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.

Gerald McWilliams

**G McWilliams Tribunal Legal Member
2025**

Date: 11th December