



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/EV/24/4995

Property at 0/2, 10 Queen Mary Avenue, Glasgow, G42 8DT (“the Property”)

Parties:

Mr Charles Hamilton, 12 Kosti Palama Street, Tala 8577, Paphos, Cyprus (“the Applicant”)

Ms Madeleine Sarah Cassell, 0/2, 10 Queen Mary Avenue, Glasgow, G42 8DT (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

Background

1. The Applicant submitted an application for an eviction order in terms of Section 51 and Ground 1 of Schedule 3 of the 2016 Act. A copy of the application was served on the Respondent, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 24 June 2025 at 2pm.
2. Prior to the CMD, the Respondent’s representative lodged written submissions which stated that the application was opposed, that the Respondent has tried and failed to find alternative accommodation and that she has multiple medical conditions. The submissions stated that it would not be reasonable to grant the order.
3. The CMD took place on 24 June 2025. The Applicant was represented by Mr Hamilton. The Respondent was represented by Ms McBride.

4. Ms McBride told the Tribunal that the application was still opposed but that the Respondent was actively seeking alternative accommodation and had recently offered to purchase a property. If this was accepted, the Applicant would be notified.
5. Mr Hamilton told the Tribunal that the property was purchased in 1995, and he has managed it for twenty years. The tenancy started in 2019. The Applicant had decided to sell because he has reached retirement age, and the property needs a lot of repairs which will be costly.
6. The Tribunal determined that the application would require to proceed to an evidential hearing and issued a direction for the lodging of further information and documents.
7. Following the CMD both representatives confirmed when the parties would be available to participate in a hearing and the Applicant provided a copy of the tenancy agreement, in response to the direction. On 28 August 2025, the Respondent's representative notified the Tribunal that the Respondent had vacated the property. She said that the Applicant had been notified and asked for confirmation that the application was withdrawn. The Applicant was notified and asked to confirm his position regarding the application. He failed to respond. On 23 October 2025, the parties were notified that a hearing by teleconference would take place on 11 December 2025 at 10am. Neither party responded to the notification. On 9 December 2025, the caseworker tried to email the Applicant and his representative for an update but was unsuccessful. A voicemail message requesting an update was left for the Applicant's representative, but he did not respond.
8. The Hearing took place on 11 December 2025. The only participant was the Respondent's representative, Ms McBride.

The Hearing

9. Ms McBride told the Tribunal that the Respondent purchased a home and moved out of the property on 21 August 2025. She gave notice to the Applicant that she was doing so. The tenancy then terminated. Ms McBride said that she had email communications with the Applicant's representative between 2 and 9 September 2025, in relation to another matter. The representative confirmed by email that the Respondent had vacated the property on that date. In response, she asked if the application would be withdrawn, but she received no response. She was also told that all future correspondence should be directed to the Applicant himself, as the representative was retiring. However, she did not have contact details for the Applicant.

Findings in Fact

10. The Applicant is the owner and former landlord of the property.

11. The Respondent was the tenant of the property.
12. The Respondent vacated the property and terminated the tenancy on 21 August 2025.

Reasons for Decision

13. The Applicant failed to attend the Hearing or communicate with the Tribunal in advance of the Hearing. The Tribunal concluded that, as the Respondent is no longer the tenant of the property, it would not be competent, appropriate or necessary to grant an order for eviction. Furthermore, by his absence, it would appear that the order is no longer sought by the Applicant.

Decision

14. The Tribunal determines that an eviction order should be refused.

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.

Josephine Bonnar

Josephine Bonnar, Legal Member

17 December 2025