



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 52 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/5213

Re: Property at 11 Mansion Drive, Dundee, DD4 9DD (“the Property”)

Parties:

Mr George McKenzie, 21 Piperdam Drive, Fowlis, Dundee, DD2 5LY (“the Applicant”)

Ms Nicole Traynor, 11 Mansion Drive, Dundee, DD4 9DD (“the Respondent”)

Tribunal Members:

Rory Cowan (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

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

- **Background**

By application dated 25 November 2025, the Applicant seeks an Eviction Order against the Respondent in terms of ground 1 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. With the Application, various supporting documents were lodged including various leases and a Notice to Leave dated 15 August 2025 along with a sheriff officer execution of service dated 18 August 2025 and a letter from Michael A. Brown Solicitors stating they had been instructed to market and sell the Property once possession was obtained.

- **The Case Management Discussion**

Following acceptance of the Application, a Case Management Discussion (CMD) was fixed for 16 January 2026 to be heard by way of conference call. At the CMD, the Applicant was represented by a Mr Brown, solicitor, but the Respondent did not appear nor was she represented. Notwithstanding her failure to appear or take part, the Tribunal was satisfied that they were aware of the Application, the CMD and her requirement to attend or be represented and decided to proceed in her absence.

Mr Brown indicated that he intended to seek an Eviction Order. However, he also indicated that the Respondent had vacated the Property on 18 December 2025 in response to the Notice to Leave served on her on 18 August 2026. Mr Brown confirmed that the Applicant had possession of the Property following the Respondent vacating same.

- Reasons for Decision

It was confirmed by Mr Brown on behalf of the Applicant that the Respondent had vacated the Property and that the Applicant now had possession of same. That being the case, the Tribunal decided that the appropriate approach to take was to refuse the Application on the basis it was no longer necessary in that any underlying Private Residential Tenancy would have already come to an end in terms of section 50 of the Private Housing (Tenancies)(Scotland) Act 2016, rendering an Eviction Order unnecessary and not something the Tribunal could competently grant. In the circumstances, the Tribunal opted not to make any findings in fact and the reasons for refusal are as stated above. The decision of the Tribunal was unanimous.

- Decision

That the application for 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

R Cowan

Legal Member/Chair

16 January 2026
Date