

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision 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/25/1232**

**Re: Property at 7C Springwell Place, Stewarton, KA3 5DD (“the Property”)**

**Parties:**

**Mr David Robertson, Mrs Pamela Robertson, The Old Byre, 2 Fairlie Crevoch Farm, Kilmarnock, KA3 2PD (“the Applicant”)**

**Mr Jordan Roxburgh, 7C Springwell Place, Stewarton, KA3 5DD (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (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 be dismissed.**

**Background**

1. This is an application for eviction for an order for repossession under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”). The Applicant’s case is based on Ground 1 (Landlord intends to sell the Property) of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 24 October 2025 the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 16 December 2025. This paperwork was served on the Respondent by Stuart Sinclair, Sheriff Officer on 27 October 2025 and the Execution of Service was received by the Tribunal administration.

**Case Management Discussion**

3. The Tribunal proceeded with the CMD on 16 December 2025 by way of teleconference. Mr Roberston appeared on his own behalf. There was no

appearance by or on behalf of the Respondent despite the CMD starting 5 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.

4. Mr Roberston explained that Mr Roxburgh had handed the keys back to the Property a few weeks previously. He confirmed he had access to the Property. After a short discussion with the Tribunal, the Tribunal determined that the application be dismissed.

### **Outcome**

5. The Tribunal dismissed the application. The decision of the Tribunal was 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.

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.

Shirley Evans

16 December 2025

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Legal Chair

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Date