



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 and Rule 27 (2)(b) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations")

Chamber Ref: FTS/HPC/EV/25/2189

Re: Property at 56 Brankston Avenue, Stonehouse, South Lanarkshire, ML9 3JF ("the Property")

Parties:

Murray Markey, 3 Manse Court, Stonehouse, South Lanarkshire, ML9 3NX ("the Applicant")

Miss Debbie Russell, 56 Brankston Avenue, Stonehouse, South Lanarkshire, ML9 3JF ("the Respondent")

Tribunal Members:

Martin McAllister (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Applicant and Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") dismisses the application submitted by the Applicant.

Background

1. On 27 May 2025, the Applicant submitted an application to the First-tier Tribunal for Scotland seeking an order of eviction.
2. On 7 October 2025, the application was accepted for determination.
3. A case management discussion was held by teleconference on 21 January 2025.

The case management discussion

4. The case management discussion started at the scheduled time of 2 pm. By 2.10 pm, neither party had joined the teleconference call.
5. The tribunal noted that intimation of the arrangements for the case management discussion had been notified to the Applicant by an email which had been sent on 10 December 2025.
6. The tribunal noted that intimation of the arrangements for the case management discussion had been notified to the Respondent on 11 December 2025. This had been through service by Sheriff Officer.

Outcome

7. It was disappointing that the Applicant had not participated in the case management discussion. His non attendance had meant a waste of Tribunal resources.
8. The tribunal had regard to Rule 27 of the Regulations:

Dismissal of a party's case

27. (1) The First-tier Tribunal must dismiss the whole or a part of the proceedings if the First-tier Tribunal does not have jurisdiction in relation to the proceedings or that part of them.

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

- (a) comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or*
- (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.*

9. By his non attendance at a case management discussion, the arrangements for which had been intimated to him, the Applicant failed to co-operate with the First-tier Tribunal.
10. The tribunal determined that the application should be 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.

Martin McAllister

Legal Member

Date: 21 January 2026