



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/5470

Re: Property at 73 Kirkton Place, East Kilbride, G74 4HS (“the Property”)

Parties:

Mr Malcolm Reynolds, Achnagonalin House, Grantown on Spey, PH26 3NH (“the Applicant”)

Ms Debbie Fisher, 73 Kirkton Place, East Kilbride, G74 4HS (“the Respondent”)

Tribunal Member:

**Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)
Decision (in absence of the parties)**

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

Background

1. By application made under Rule 109 dated 26th November 2024, the Applicant sought an eviction order under ground 1. The Applicant lodged copy tenancy agreement commencing on 2nd June 2018, copy Notice to Leave with evidence of service, copy section 11 notice with evidence of service, evidence of intention to sell, and a screenshot of communication between the parties.

The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place by telephone conference on 31st July 2025. The Applicant was in attendance. The Respondent was not in attendance. The Applicant informed the Tribunal that the Respondent appeared to have left the Property in April 2025, leaving only rubbish in the Property, and no personal belongings. Following a full discussion on matters, the Tribunal adjourned to consider matters. The Tribunal decided not to grant an eviction order, as it appeared certain there was no longer a private residential tenancy. The Tribunal considered the Respondent ceased to occupy the Property following a notice to leave, as required by section 50, given that her personal belongings had been removed and she ceased paying rent around the time she is thought to have left. In those circumstances, the Tribunal

considered there was no private residential tenancy, and they would not be entitled to grant an eviction order under section 51 of the Act.

3. Following the CMD, it came to the attention of the Tribunal that the Respondent had not received service of the case papers or notification of the CMD, as service was made by Sheriff Officer on 9th June 2025, by which time the Respondent had left the Property. The Tribunal reviewed its decision not to grant an order, and decided to continue matters to a further CMD to allow service of the application upon the Respondent. The Applicant was notified of a requirement to provide a forwarding address for the Respondent, failing which, an application for Service by Advertisement, which must be accompanied by a negative tracing report from a Sheriff Officer or tracing agency.
4. By email dated 8th August 2025, the Applicant was asked to inform the Housing and Property Chamber of his intentions going forward and to provide the requested information to allow service upon the Respondent. No response was received.
5. A CMD was set down for 13th January 2025.
6. By email dated 14th November 2025, the Applicant was asked to inform the Housing and Property Chamber of his intentions going forward and to provide the requested information to allow service upon the Respondent. No response was received.
7. On 28th November 2025, a Direction was issued to the Applicant in the following terms:

The Applicant is required to provide:

1. *A forwarding address for the Respondent or an application for Service by Advertisement accompanied by a negative tracing report.*

The said documentation should be lodged with the Chamber no later than close of business on 21 days after the date of issue of this Direction.

The Applicant should be aware that failure to comply with this order may lead to the dismissal of the proceedings by the Tribunal in terms of Rule 27 of the Rules.

8. The Applicant did not comply with the Direction of the Tribunal,
9. A further opportunity to comply with the Direction was issued to the Applicant on 23rd December 2025. No response was received.

Reason for decision

10. The Tribunal considered it was not appropriate to proceed with another CMD when the Respondent has not received service of the application or notice of the CMD, due to the inaction of the Applicant.
11. The Tribunal decided to dismiss the application on the basis that the Applicant failed to comply with an order which stated that failure by the Applicant to comply with the order could lead to the dismissal of the proceedings, as provided for by Rule 27(2)(a) of the Procedural Rules.

Decision

12. The application is 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.

H Forbes

Legal Member/Chair

6th January 2026

Date