



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

Chamber Ref: FTS/HPC/EV/25/4452

Re: Property at 14 Millfore Court, Irvine, KA11 1LT (“the Property”)

Parties:

Steven Easton Residential Limited, 2 Newfield Drive, Dundonald, South Ayrshire, KA2 9EW (“the Applicant”)

Miss Alison Burns, 14 Millfore Court, Irvine, KA11 1LT (“the Respondent”)

Tribunal Members:

Lauren Rae (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be refused for want of insistence by the Applicant.

Background

1. By application dated 16 October 2025, the Applicant sought an order for eviction against the Respondent under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 109 of the First-tier Tribunal of Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The application includes a copy of the tenancy agreement, notice to leave, rent statement and other supporting documents.
3. The application was accepted by the Tribunal for determination on 6 November 2025.

Case Management Discussion (“CMD”)

4. The CMD The case was conjoined with a civil application (reference number CV/25/4453) The conjoined cases called for a CMD on 13 April 2026 at 2pm. The Applicant was represented by Ms Ainslie Barclay from Easton Residential Limited. The Respondent was represented by Ms Louise Mathieson from CHAP.
5. The Tribunal explained the purpose of the CMD and the powers available to the Tribunal including making a decision.

Findings in Fact

6. The Applicant issued a notice to leave dated 6 June 2025 seeking the Respondent's eviction from the Property on the basis of ground 12 (Schedule 3 of the 2016 Act namely rent arrears of three consecutive months or more).
7. The Respondent voluntarily vacated the Property on or around 16 March 2026.

Reasons for Decision

8. The Applicant's representative advised the Tribunal that an order for eviction was no longer required as the Respondent had voluntarily removed from the Property on or around 16 March 2026. The Applicant invited the Tribunal to refuse the order for eviction.
9. The Respondent's representative confirmed to the Tribunal that the Respondent had voluntarily vacated the Property and had obtained alternative accommodation through a social landlord. The Respondent had no objection to the order being refused.

Decision

The Tribunal determined that the order for eviction should be refused for want of insistence by the Applicant.

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.

Lauren Rae

13/04/26

Legal Member/Chair

Date