



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/0735

Re: Property at 7A TARBOLTON ROAD, CUMBERNAULD, G67 2AG (“the Property”)

Parties:

Mr Stewart Hale, Harness Barn, 4 Knowl Bank Road, Audley, Stoke on Trent, ST7 8DT (“the Applicant”)

MS SHANNON LINDSAY, 38 Hornbeam Road, Cumbernauld, G67 3NQ (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the case.

1. This is an action for rent arrears raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. A Case Management Discussion (“CMD”) was held on 4 August 2025. The Applicant was represented Mr George Reynolds of Smart Move Estate Agents. The Respondent was not present or represented. After hearing submissions on behalf of the Applicant, the Tribunal granted a payment order for £2092.32 (“the decision”).
3. On 28 January 2026 the Respondent’s solicitor emailed the Tribunal seeking a recall of the decision in terms of Rule 30 of the Regulations. They submitted the Respondent did not receive citation to the CMD, which had been to her previous address and knew nothing of the decision until after she was served with a charge for payment by Sheriff Officers at her current address in December 2025. The Tribunal considered the application for recall and on 5

February 2026 determined to recall the decision and assign a CMD. A CMD was thereafter assigned to proceed on 10 April 2026.

4. On 5 February 2026 the Respondent's solicitor lodged a Joint Motion signed on behalf of both parties in terms of which parties had reached agreement that no payment is due by or to either party and that the case be dismissed.
5. After consideration of the Joint Motion, it appeared to the Tribunal that it could proceed to make a decision without proceeding to the CMD in terms of Rule 18 of the Regulations. Both parties confirmed they were content for the Tribunal to proceed under Rule 18 and issue a decision without proceeding to the CMD.
6. The Tribunal being satisfied that the parties have reached agreement that no payment is due to or by either party and that it is not contrary to the interests of justice to determine the case without proceeding to the CMD, determined to discharge the CMD assigned for 10 April 2026 and to dismiss the case in accordance with the Joint Motion dated 5 February 2026.

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

23 March 2026

Legal Member

Date

