



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

Chamber Ref: FTS/HPC/CV/25/5030

Re: Property at 17B Balconie Street, Evanton, IV16 9UN (“the Property”)

Parties:

Mr Douglas Stewart, 17B Balconie Street, Evanton, IV16 9UN (“the Applicant”)

Mr Ross Bannerman, Bannerman Properties, The Burgage, Tain, IV19 1BW (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision

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

Background

1. This is a Rule 111 application whereby the Applicant was seeking an order for payment in the sum of £15000 comprised of a rent abatement of £8340 and electricity costs of £6600.
2. The Applicant representative was notified of a Case Management Discussion on 21st March 2026.
3. The Respondent was served with notification of the application and the Case Management Discussion by Sheriff Officer on 25th March 2026.

Case Management Discussion

4. A Case Management Discussion (“CMD”) was scheduled to take place by telephone conference on 6th May 2026. The Respondent was the only person in attendance. The Tribunal Clerk called the Applicant representative, with no success. The Tribunal Clerk called the Applicant and was told that the Applicant thought the application had been withdrawn and dealt with. The Applicant said neither he nor the representative would be joining the call.

5. The Respondent said he had raised an application for an eviction order and this had been heard on 10th March 2026. At that time, the Respondent agreed to waive rent arrears allegedly due by the Applicant to the Respondent. An eviction order was granted and will be executed on 21st May 2026.
6. The Legal Member considered that, by failing to attend the CMD and by indicating his intention not to participate, the Applicant failed to cooperate with the Tribunal to the extent that the Tribunal cannot deal with the proceedings justly and fairly, all in terms of Rule 27(2)(b) of the Procedural Rules.

Decision

7. 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

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6th May 2026
Date