



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/4457

Re: Property at 37 Milford, East Kilbride, G75 9BT (“the Property”)

Parties:

Mr Bernard Reid, 98 Peathill Avenue, Chryston, G69 9NY (“the Applicant”)

Ms Rebecca Milligan, 37 Milford, East Kilbride, G75 9BT (“the Respondent”)

Tribunal Members:

Lindsay Paterson (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed in terms of Rule 27(2)(b)

Background

1. By application dated 14 October 2025 the Applicant sought an eviction order under Section 51 and Ground 1 of Schedule 3 of the 2016 Act and in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). A section 11 notice, tenancy agreement, notice to leave, and an email from an estate agent, dated 28 November 2025, confirming instruction to advertise and sell the property, were all lodged with the application.
2. A copy of the application was served on the Respondent by sheriff officer on 31 March 2026 and parties were notified that a case management discussion (“CMD”) would take place by teleconference call on 12 May 2026 at 2pm.
3. On 28 March 2026 the Applicant emailed the Tribunal to advise that Respondent had accepted an offer of alternative accommodation from the local authority and would be vacating the property over the next few weeks. The Applicant advised in his email of 28 March 2026 that he would provide a further update when the Respondent had vacated the property.

Case Management Discussion

4. The case called for a CMD by way of teleconference on 12 May at 2pm. The Respondent attended but the Applicant did not.
5. The tribunal clerk attempted to call the Applicant before the CMD commenced but was unable to reach him.
6. Shortly after the CMD commenced the Applicant telephoned and advised the tribunal clerk that as the Respondent had found alternative accommodation, he did not think the hearing required to go ahead which was why he had not joined the teleconference. The Applicant did not attempt to join the teleconference which was taking place.
7. The Respondent told the Tribunal that she had accepted an offer of accommodation from the local authority on 27 March 2026 and been given an estimated date of entry of 28 May 2026.
8. The Respondent told the Tribunal that the date of entry was subject to change. The accommodation she has been offered still requires some work done on it by the local authority before she and her two children (aged 14 and 11) will be able to move in. The Respondent advised that there was a chance the work may not be completed by 28 May 2026.
9. The Respondent told the Tribunal that she did not require an eviction order to secure the accommodation. The local authority had been prepared to make her an offer without an order, and she has already accepted the offer made by the local authority. The Respondent advised she will sign the tenancy agreement and move into the alternative accommodation as soon as it is ready.

Reasons for Decision

10. Given the failure of the Applicant to attend the hearing and his lack of insistence on the order sought in the application, the tribunal decided it could not deal with the application justly and fairly and the application should be dismissed.

Decision

11. The Tribunal decided to dismiss the application in terms of Rule 27(2)(b)

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.

L. Paterson

12th May 2026

Legal Member/Chair

Date