



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

Chamber Ref: FTS/HPC/EV/25/3364

Re: Property at 3 Earlsdon House, Southesk Street, Brechin, DD9 6DY (“the Property”)

Parties:

A F Murray and Co, Unthank Stores, Trinity Road, Brechin, DD9 7PB (“the Applicant”)

Miss Sarah Anne Penman, 3 Earlsdon House, Southesk Street, Brechin, DD9 6DY (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of both parties)

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

Background

1. This is an action for eviction raised in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”) based on Ground 11 (breach of tenancy) and Ground 12 (rent arrears) of Schedule 3 of the Private Housing (Tenancies) (Scotland) 2016 Act.
2. On 24 March 2026 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 14 April 2026. The Tribunal also advised both parties by letter on 24 March 2026 that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 11 May 2026. This letter was served on the Applicant’s

solicitor, Shiells Solicitors, and on the Respondent by Sheriff Officer on 26 March 2026.

Case Management Discussion

3. The Tribunal proceeded with the CMD on 11 May at 2 pm. There was no appearance by or on behalf of either the Applicant or the Respondent despite the Tribunal keeping the conference call line open until 2.15pm.

Reasons for Decision

4. The Tribunal noted the terms of the letters to parties of 24 March 2026 that the CMD would proceed on 11 May 2026 at 2 pm. The Tribunal also noted that both parties were advised in the letters that the Tribunal could do anything at the CMD which it could do at a hearing including making a decision on the application. The Tribunal further noted that parties were both advised that if they did not attend the Case Management Discussion this would not stop a decision or order being made by the Tribunal. The Tribunal was satisfied that both parties were aware that the Case Management Discussion would proceed on 11 May 2026.
5. The Tribunal, in the absence of the Applicant or any representative from the Applicant and in the absence of the Respondent or any representative from the Respondent, had no information other than the application papers before it to determine the case. It had no up-to-date information to assess whether either ground of eviction had been established and if so whether it was reasonable to evict.

Decision

6. The Tribunal dismissed the application in the absence of both parties. The decision of the Tribunal was unanimous.

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.

Shirley Evans

11 May 2026

Legal Chair

Date