



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”).

Chamber Ref: FTS/HPC/EV/25/4532

Property at 1 Groveburn Avenue, Thornliebank, Glasgow, G46 7DA (“the Property”)

Parties:

Mrs Elvira Sanza, Motel Air, 70 Inchinnan Road, Paisley, PA3 2RE (“the Applicant”)

Mr Oleksii Ivankov, 40 Hawthorn Road, Busby, G76 8EH (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

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

Background

1. The Applicant lodged an application for an eviction order in terms of Section 51 and ground 4 of the Private Housing Tenancies (Scotland) Act 2016. Various documents were lodged with the application.
2. A copy of the application was served on the Respondent. The Sheriff Officers attended at the property but were unable to establish if the Respondent still resided there. They contacted the Respondent by telephone and spoke to his wife. She provided their new address and confirmed that they had vacated the property a few weeks before. The application was served at the new address, and both parties were notified that a case management discussion (“CMD”) would take place on 28 May 2026 at 2pm and that they were required to participate. Prior to the CMD, a copy of the Sheriff Officer’s report was sent to the Applicant, and she was asked to confirm if the application was to be

withdrawn. She did not respond.

3. The CMD took place on 28 May 2026. Neither party participated.

The CMD

4. The Tribunal noted that the parties had been notified of the date and time of the CMD and advised that participation was mandatory. The Tribunal also noted that the Respondent appears to have vacated the property.

Reasons for Decision

5. Rule 27 of the Procedure Rules states: -

(2) The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to –

- (a) Comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or
- (b) Co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.

6. The Applicant did not participate in the CMD which took place on 28 May 2026, although she had been notified that this was required. She did not contact the Tribunal in advance of the CMD to request a postponement or advise if she could not attend. The Tribunal had been notified by the Sheriff Officers who served the application that the Respondent had provided a new address and confirmed that he had vacated the property. The Applicant failed to respond to an email from the Tribunal which enclosed a copy of the Sheriff Officers report and asked if the application was to be withdrawn.

7. In the circumstances, the Tribunal is satisfied that the Applicant has failed to cooperate with the Tribunal to such an extent that it is not possible to deal with the proceedings justly and fairly. The Tribunal concludes that the application should be dismissed.

Decision

8. The Tribunal determined that the application should be dismissed in terms of Rule 27(2)(b) of the Procedure Rules.

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.

Josephine Bonnar

Josephine Bonnar, Legal Member

28 May 2026