



**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 2018**

**Chamber Ref: FTS/HPC/EV/25/4635**

**Re: Property at 30 Howden Avenue, Kilwinning, KA13 7AH (“the Property”)**

**Parties:**

**Ms Yan (Yvonne) Li, 73 High Street, Irvine, KA12 0AL (“the Applicant”)**

**Mr Cliff Belfor, UNKNOWN, UNKNOWN, KA13 7AH (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member) and Elizabeth Williams (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”).
2. On 5 December 2025, the Tribunal accepted the application under Rule 9 of the Regulations.
3. On 25 April 2025 the Tribunal intimated to the Applicant that a Case Management Discussion (“CMD”) would proceed on 1 June 2026. On 30 April 2026 Sheriff Officers reported they had been unable to serve the application papers on the Respondent as he was no longer resident in the Property. On 8 May 2026 the Tribunal emailed the Respondent and served the papers on him by way of advertisement on the Tribunal website in terms of Rule 6A of the Regulations. On 14 May 2026, the Respondent emailed the Tribunal to advise

he had left the Property on 28 February 2026. A copy of this email was sent to the Applicant.

### **Case Management Discussion**

4. The Tribunal proceeded with the CMD on 1 June 2026. There was no appearance by or on behalf of either the Applicant or the Respondent. The Tribunal was satisfied that both parties had had proper intimation that the CMD would proceed on 1 June 2026.

### **Reasons for Decision**

5. The Tribunal noted the terms of the Respondent's email of 14 May 2026 and of the Sheriff Officer's report. It appeared to the Tribunal that the Respondent was no longer resident in the Property. The Applicant had not shown any courtesy to the Tribunal to confirm the position or otherwise state a different position by failing to appear at the CMD. Had the Applicant still wished to pursue the application the Tribunal would have expected her to appear at the CMD. As she did not do so the Tribunal determined that the Respondent no longer lived in the Property.
6. The Tribunal being satisfied that the Respondent had vacated the Property, determined the Application should be dismissed,

### **Decision**

7. 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.**

# S.Evans

1 June 2026

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Legal Member

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Date