



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Sections 51 and 71 of the Private
Housing (Tenancies) (Scotland) Act 2016 (“the Act”)**

Chamber Refs: FTS/HPC/EV/25/0067 and FTS/HPC/CV/26/0644

**Re: Property at 0-2 104 Townhead, Kirkintilloch, Glasgow, G66 1NZ (“the
Property”)**

Parties:

**Mr James Johnstone, 1C Rose Street, Kirkintilloch, Glasgow, G66 1NS (“the
Applicant”)**

**Mr Derek Lyttle, 0-2 104 Townhead, Kirkintilloch, Glasgow, G66 1NZ (“the
Respondent”)**

Tribunal Members:

James Bauld (Legal Member) and Ahsan Khan (Ordinary Member)

Background and discussions at the hearing

1. A hearing was set to take place by conference call on 23 June 2026 at 10.00 a.m. in respect of these two applications.
2. One application (FTS/HPC/EV/25/0067) sought an eviction order. The other (FTS/HPC/CV/26/0644) sought a payment order in respect of rent arrears which had been accrued by the respondent
3. A previous case management discussion (“CMD”) had taken place on 25 February 2026 in respect of the eviction application, case reference FTS/HPC/EV/25/0067.
4. Initially neither the applicant nor the respondent were present at the scheduled commencement time of the hearing. The clerk to the tribunal made telephone calls to the applicant’s representative and to the respondent

5. Ms. Katrina O'Neill from Coda Estates Limited, Lenzie then joined the conference call and represented the applicant. The respondent could not be contacted and was not present
6. Ms. O'Neill indicated to the tribunal that after the CMD, a payment of £2800 had been made on behalf of the respondent towards his rent arrears and that effectively the rent arrears were cleared at that point.
7. Ms. O'Neill accepted that both applications should be withdrawn and dismissed as the basis for the applications, namely rent arrears, no longer existed
8. The tribunal noted Ms. O'Neill's submissions and agreed that the applications should both be withdrawn and both should be dismissed

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that both applications should be withdrawn and dismissed

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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.

J Bauld

Legal Member/Chair

Date: 23rd June 2026