

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/EV/25/0620

Re: Property at 3 The Stables Rosley, Arbroath, DD11 3RB (“the Property”)

Parties:

Mrs Carolina Palmieri, Rosely Tower House, Forfar Road, Arbroath, DD11 3RB (“the Applicant”)

Mr Roark Anderson, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Nicholas Allan (Ordinary Member)

Decision

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

BACKGROUND

1. The Applicant previously let the Property to the Respondent.
2. An incomplete private residential tenancy agreement was provided to the Tribunal. The lease was signed on 18 December 2023.
3. A Notice to Leave dated 23 August 2024 was served upon the Respondent.
4. An application seeking an eviction order was presented to the Tribunal on 23 August 2024. The Notice to Leave, and the application to the Tribunal, sought an eviction order due to rent arrears.
5. A further application to the Tribunal was presented on 9 December 2024.
6. The Respondent forwarded written submissions to the Tribunal. These suggested that he had vacated the Property during November 2024, alleging that he had been unlawfully evicted.

THE CASE MANAGEMENT DISCUSSION

7. The Applicant participated personally in the Case Management Discussion. Her son, Mr Peter Butcher, attended as a supporter. The Respondent did not participate personally. He was, however, represented by Ms N Taylor.
8. In advance of the Case Management Discussion a request to postpone the Case Management Discussion was presented on behalf of the Respondent. The request for a postponement was refused, partly because the Tribunal wished to be advised as to the current position in relation to the tenancy and whether the Respondent was still in occupation, given that there was still an eviction application before the Tribunal.
9. At the Case Management Discussion, it was confirmed that the Respondent was no longer in occupation of the Property. The Property is now being occupied by another person. The Respondent is now a member of the Armed Forces and is presently residing in London. He has no intention of occupying the Property again.
10. In the circumstances, the Tribunal enquired as to whether it was appropriate for an eviction order to be granted. The tenancy is at an end. The Respondent has already vacated the Property.
11. The Applicant advised the Tribunal that the Application was raised as the Respondent, before the Application was raised, advised that an eviction order was required to enable him to secure alternative housing through the local authority. Ms Taylor confirmed that to be the position at that time but, of course, those circumstances have now changed as the Respondent is in the Armed Forces and residing in London.
12. In the circumstances, the Applicant acknowledged that an eviction order was not required and acknowledged that the Tribunal would dismiss the Application.

DECISION

The application is dismissed

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons

for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Virgil Crawford

Legal Member/Chair

01 May 2026

Date