



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

Chamber Ref: FTS/HPC/CV/25/0480

Re: Property at 17 St Ninian's Crescent, Newton Stewart, DG8 8PJ ("the Property")

Parties:

Rabbi Henry Heimlich, 64 Northumberland Street, Salford, M7 4DG ("the Applicant")

ISCO Estates Ltd., 158 Cromwell Road, Salford, M6 6DE ("the Applicant representative")

Mr Jamie Turnbull, UNKNOWN, UNKNOWN ("the Respondent")

Tribunal Member: Ms H Forbes (Legal Member)

Decision

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

Background

1. This is a Rule 111 application received in the period between 4th February and 8th September 2025, whereby the Applicant is seeking an order for payment in respect of rent arrears pertaining to a tenancy of the Property, which tenancy commenced on 5th August 2024.
2. The application was accepted by Notice of Acceptance dated 30th September 2025.
3. A Case Management Discussion ("CMD") was scheduled for 25th March 2026.
4. Service of the application and notification of the CMD upon the Respondent failed, as the Respondent moved out of the Property after the application was accepted.
5. By emails dated 19th February and 14th March 2026, the Housing and Property Chamber administration requested an address for the Respondent

from the Applicant representative, failing which, an application for Service by Advertisement. No response was received.

6. The Tribunal issued a Direction dated 17th June 2026 to both the Applicant and the Applicant representative in the following terms:

The Applicant is required to provide:

1. *An address for the Respondent in order that the case papers and notification of a Case Management Discussion can be made.*
2. *If no address is available, an application for Service by Advertisement accompanied by a negative tracing report.*

The said documentation should be lodged with the Chamber no later than close of business on 21 days from the date of issue of the Direction.

The Applicant should be aware that a failure to comply with the Direction may result in the application being dismissed in terms of Rule 27 of the Procedural Rules.

7. No response to the Direction was received.
8. A CMD scheduled for 6th July 2026 was postponed by the Tribunal as papers could not be served upon the Respondent.
9. By email dated 3rd August 2026, the Housing and Property Chamber administration contacted the Applicant representative to request a response to the Direction by 17th August 2026. No response was received.

Reasons for Decision

10. The application cannot proceed, and the Tribunal cannot make an order, as the application and notification of a CMD cannot be served upon the Respondent, and no application for Service by Advertisement has been made.
11. Despite repeated requests, the Applicant has failed to provide an address for the Respondent or an application for Service by Advertisement. The Applicant has failed to comply with an order which stated that failure by the Applicant to comply with the order could lead to the dismissal of the proceedings. Accordingly, the Tribunal is entitled to dismiss the application in terms of Rule 27(2)(a) of the Procedural Rules.

Decision

12. 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.

Helen Forbes

Legal Member/Chair

24th August 2026
Date