



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 2016

Chamber Ref: FTS/HPC/EV/26/0807

Re: Property at 13 Timmons Park, Lochgelly, Fife, KY5 9PP (“the Property”)

Parties:

Mr Derek Buntin, Nicola Buntin, 1 Tilda Place, Richmond, Queensland, 4740, Australia (“the Applicant”)

Mrs Angela Stewart, Mr David Stewart, 13 Timmons Park, Lochgelly, Fife, KY5 9PP (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the parties) The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it was reasonable to dismiss the application due to a want of insistence.

Background

1. The Applicant submitted an application dated 18 February 2026 under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the Rules). The Applicant sought an order to evict the Respondent from the Property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016, namely that the landlord intends to sell the Property.
2. The Applicant lodged the following documents with their application:
 - copy of a private residential tenancy agreement (‘PRT’) between the parties in respect of the Property, which tenancy commenced on 14 April 2023 at a monthly rent of £575.
 - copy notice to leave dated 19 November 2025 with evidence of service.

- copy section 11 notice with evidence of service to local authority dated 16 February 2026.
 - letter dated 5 February 2026 from FLS Property Sales Ltd confirming instructions to market the Property when vacant possession obtained.
3. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
 4. Letters were issued on 15 July 2026 informing both parties that a CMD had been assigned for 19 August 2026 at 10am, which was to take place by conference call. The letter and case papers were served by sheriff officers on the Respondent on 16 July 2026.
 5. No representations had been received in writing from the Respondent in advance of the CMD.

The Case Management Discussion (‘CMD’)– 19 August 2026

6. A CMD took place by teleconference on 19 August 2026 at 10am. Neither party was in attendance. The Tribunal’s Clerk attempted to telephone the Applicant but was unsuccessful in making contact.
7. In all the circumstances the Tribunal determined to dismiss the application on the basis of a want of insistence.

Reasons for the Decision

8. The Tribunal had provided the Applicant with the CMD notification letter by email on 15 July 2026 and had served the paperwork on the Respondent by sheriff officers. In all the circumstances as neither party appeared at the CMD it is appropriate 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.

Yvonne McKenna

19 August 2026

Legal Member

Date