



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/22/0045**

**Re: Property at 130/11 Gylemuir Road, Edinburgh, EH12 7DL (“the Property”)**

**Parties:**

**Hawksdale Ltd, 63 Dublin Street, Edinburgh, EH3 6NS (“the Applicant”)**

**Mr John Crawford, 130/11 Gylemuir Road, Edinburgh, EH12 7DL (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Applicant and the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the case should be dismissed.**

**Background**

1. An application was received by the Housing and Property Chamber dated 10<sup>th</sup> December 2021. The application was submitted under Rule 66 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. On 14<sup>th</sup> May 2022, a Case Management Discussion (“CMD”) was held. Only the Applicant’s representative Ms Lora Ward, Director, Factotum letting agents was present. The Respondent did not attend. The Tribunal raised issues regarding the validity of the Notice to Quit. The case was continued to a hearing to allow the Applicant to submit a full legal submission, including legal authority, on why the Notice to Quit was valid.

3. On 10<sup>th</sup> June 2022 all parties were written to with the date for the Hearing of 4<sup>th</sup> July 2022 at 10 am by teleconferencing.

### The Hearing

4. A hearing was held on 4<sup>th</sup> July 2022 at 10 am by teleconferencing. Neither the Applicant nor the Respondent were present or represented. There was no explanation why the Applicant, in particular, was not present or represented. At 10.10 am the Tribunal dismissed the case as it was not clear that the Applicant wished to rely on the matters within the case.

### Decision

5. The application was dismissed as it was not clear that the Applicant wished to rely on the case proceeding.

### **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.**

# G Miller

4<sup>th</sup> July 2022

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**Legal Member/Chair**

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**Date**