



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/23/0077

Re: Property at 13 Keltie Place, Deanston, FK16 6AR (“the Property”)

Parties:

Miss Shelley Drummond and Mr Thomas Mackie, 12 Leny Road, Deanston, FK16 6AP (“the Applicants”)

Miss Louise McCaffery, 13 Keltie Place, Deanston, FK16 6AR (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Applicants)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 13 June 2023, the Respondent was in attendance. The Applicants were neither present nor represented.

There was no explanation for the Applicants’ non-attendance.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Applicants having received notice of the CMD and determined to proceed in the absence of the Applicant in terms of Rule 29.

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

The Tribunal noted the following background:-

- i. The Applicants leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement dated 13 March 2021 (“the PRT”).
- ii. The PRT started on 1 April 2021.
- iii. The Application proceeds under Rule 109 of the Rules.

- iv. A Notice to Leave was served by the Applicants on the Respondent by email on 13 September 2022 seeking the Respondent's removal from the Property by 9 December 2022.
- v. The Respondent remains in occupation of the Property.
- vi. The Application to the tribunal is dated 9 January 2023 and proceeds on the basis of Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016, namely that the Applicants wish to sell the Property.

The CMD

At the CMD the Respondent made the made the following representations in respect of this application:-

- i. The Respondent was unaware of any reason for the Applicants' non-attendance at the CMD.
- ii. She has no other accommodation to remove to.
- iii. She is waiting on Stirling Council allocating housing to her. She may be allocated temporary accommodation.
- iv. She is disabled which makes finding accommodation more difficult.
- v. The Property is not adapted.
- vi. She has 4 children and moved to the Property from Dundee to live next door to her ex-partner and mother-in-law who provide support.
- vii. She is finding the tribunal process stressful.

Reasons for Decision

In the absence of the Applicants the application could not be further considered. The tribunal therefore refused the Application.

Decision

The Tribunal refused the Application.

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.

Gillian Buchanan

**Gillian Buchanan
Legal Member/Chair**

**13 June 2023
Date**