



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/22/3705

Re: Property at 187 Haywood Street, Parkhouse, Glasgow, G22 6SZ (“the Property”)

Parties:

Ms Deborah Jane Lonnon, 2 Langley Wood, Barnfield Wood Road, Beckenham, Kent, BR3 6SS (“the Applicant”)

Mr Angus David McClelland, 187 Haywood Street, Parkhouse, Glasgow, G22 6SZ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Helen Barclay (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 application should be dismissed.

Background

1. An application was received by the Housing and Property Chamber dated 7th October 2022. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 1 of the Private Housing (Tenancies) Act 2016.
2. On 11th January 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 27th February 2023 at 10am by teleconferencing. The letter also requested all written representations be submitted by 1st February 2023.
3. On 20th January 2023, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondents by personal service leaving it

in the hands of the Respondent. This was evidenced by Certificate of Intimation dated 20th January 2023

4. On 13th February 2023, the Applicant emailed the Housing and Property Chamber to advise that she had received an email from the Respondent saying that he had left the Property on 19th January 2023. The Applicant said that she did not trust that he had left and still wanted an order for eviction.

The Case Management Discussion

5. A CMD was held on 27th February 2023 at 10am by teleconferencing. By 10.10am neither the Applicant nor the Respondent were present. Neither had submitted representations that they would not attend the CMD. The Tribunal had insufficient information before it to grant the application or that the application continued to be relied upon. The Tribunal refused the application. No order was granted.

Decision

6. The application was refused as neither party were present as such there was insufficient evidence to know that the application was still to be relied upon.

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

27th February 2023

Legal Member/Chair

Date