



Notes on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) In respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 109 of the Rules

Chamber Ref: FTS/HPC/EV/22/3847

Re: Property at Flat 2/2 369 Paisley Road West, Glasgow, Scotland, G51 1LX (“the Property”)

Parties:

Santander UK PLC, 2 Triton Square, Regent's Place, London, NW1 3AN (“the Applicant”) per their agents, Ascent, 2nd Floor 1 West Regent Street Glasgow G2 1RW (“the Applicant’s Agents”)

Mr Inamullah Rashid, Flat 2/2 369 Paisley Road West, Glasgow, Scotland, G51 1LX (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of both Parties)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the Application without Order.

1. By application received between 20 October 2022 and 15 December 2022 (“the Application”), the Applicant’s former agents applied to the Tribunal for an Order for eviction and possession of the Property based on the Ground 2 of the Act that the Property is to be sold by the mortgage lender. The Application comprised a copy of private residential tenancy agreement between the former mortgagee and the Respondent, Parties, copy Notice to Leave in terms of Ground 2 of Schedule 3 to the Act dated 4 July 2022 with proof of service and copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Glasgow City Council, being the relevant local authority.

2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 2 March 2023 at 14.00 by telephone conference and intimated to the Parties.

Case Management Discussion

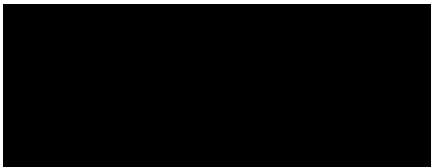
3. The CMD took place on 2 March 2023 at 14.00 by telephone. Neither the Applicant nor the Respondent took part and neither was represented or submitted written representations.
4. As the Tribunal could not be certain that it is reasonable to grant the Order, the Tribunal dismissed the Application and made no Order.

Outcome

5. The Tribunal dismissed the Application and made no Order.

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.



Legal Member/Chair

____ **2 March 2023**
Date