

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/21/2750**

**Re: Property at 11 St Brides Way, Bothwell, G71 8QQ (“the Property”)**

**Parties:**

**Mr David Bennie, 179 West George Street, Coatbridge, ML5 2DD (“the Applicant”)**

**Kirsty McLean, C/O 1 Peel Place, Bothwell, G71 8PZ (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Mike Scott (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) refuses the application.**

1. An application was received by the Housing and Property Chamber dated 28<sup>th</sup> October 2021. 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 the Respondent not adhering to ground 4 of the Private Housing (Tenancies) Act 2016.
2. On 17<sup>th</sup> January 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 21<sup>st</sup> February 2022 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 7<sup>th</sup> February 2022.
3. On 18<sup>th</sup> January 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 18<sup>th</sup> January 2022.

### The Case Management Discussion

4. A CMD was held on 21<sup>st</sup> February 2022 at 2pm by teleconferencing. The Applicant was not present and not represented. The Respondent was present. The Respondent's father, Mr James McLean, was present and allocated as her representative. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent informed the Tribunal that she had left the Property on 28<sup>th</sup> December 2021. She had returned the keys to the Applicant's solicitor. She had taken a video of herself posting the keys through the solicitor's door. The Respondent has now been allocated a house by her local authority. She has moved into it.
5. The Tribunal noted that the Applicant had confirmed by email that the Respondent had left the Property.
6. The Tribunal was satisfied that the application for eviction was no longer required as the Respondent had left the Property.

### Findings and reason for decision

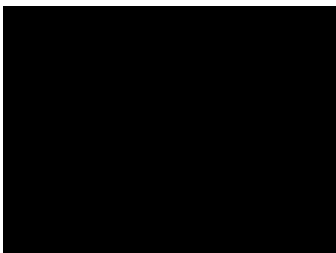
7. A Private Rented Tenancy Agreement commenced 25<sup>th</sup> June 2021.
8. The Respondent left the Property on 28<sup>th</sup> December 2021. She returned the keys to the Applicant's solicitors office on the same date.

### Decision

9. The Tribunal refused the application as the Respondent has left the Property and returned the keys.

### **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.**



21<sup>st</sup> February 2022

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**Legal Member/Chair**

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**Date**