



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/23/2951

Re: Property at 54 Constantine Way, Motherwell, ML1 3US (“the Property”)

Parties:

Mrs Pauline Seal, C/O Shilladys Estate and Letting Agents, 3 McNeil Place, Overtown, ML2 0HH (“the Applicant”)

Miss Leigh-Ann Fagan, 54 Constantine Way, Motherwell, ML1 3US (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)

Decision (in absence of the parties)

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

Background

1. By application made under Rule 109 and received in the period between 18th and 28th August 2023, the Applicant sought an eviction order under ground 12. The Applicant representative lodged copy tenancy agreement commencing on 1st December 2021, copy Notice to Leave, rent statement, and copy correspondence with the Respondent.
2. The application and notice of a Case Management Discussion was served upon the Applicant representative by email on 6th December 2023.
3. The application and notice of a Case Management Discussion was served upon the Respondent by Sheriff Officer on 7th December 2023.

The Case Management Discussion

4. A Case Management Discussion was set down to take place by telephone conference on 31st January 2024. Neither party attended. An attempt was

made by the Tribunal Clerk to contact the Applicant representative at the request of the Tribunal, without success.

5. The Tribunal decided it was impossible to determine the application in the absence of both parties. The Tribunal decided to dismiss the application on the basis that the Applicant, by failing to attend or be represented, had failed to co-operate with the Tribunal to such an extent that the Tribunal could not deal with the proceedings justly and fairly.

Decision

6. The application is dismissed.

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.

H. Forbes

Legal Member/Chair

31st January 2024
Date