



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 2016 Act”) and Rule 109 of the Rules

Chamber Ref: FTS/HPC/EV/23/4400

Re: Property at 8 Ugie Road, Peterhead, AB42 1NR (“the Property”)

Parties:

Steen Property Developments Ltd, 17 Thomson Road, Peterhead, AB42 3FJ (“the Applicant”) per their agents, Peterhead Property Letting Company, 76, Ugie Road, Peterhead AB42 1LY (“the Applicant’s Agents”)

Miss Kelly-Ann Cowe, 8 Ugie Road, Peterhead, AB42 1NR (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Gerard Darroch (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 be dismissed.

1. By application received on 8 December 2023 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 12 of Schedule 3 to the 2016 Act.
2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties at a rent of £750.00 per month and an entry date of 19 March 2021;
 - ii) copy Notice to Leave in terms of Grounds 12, the tenant has more than three consecutive months’ rent arrears, of Schedule 3 to the Act;
 - iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Aberdeenshire Council being the relevant local authority and
 - iv) copy correspondence from the Applicant’s Agents to the Respondent;
 - v) rent statement showing that rent amounting to £1826.18 is due and owing from the entry date to 19 November 2023.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 12 April 2024 at 14.00 by telephone conference.

The CMD was intimated to the Parties and, in particular, to the Respondent by Sheriff Officer service on 6 March 2024.

4. Prior to the CMD, the Respondent submitted a letter to the Tribunal explaining he personal circumstances.

CMD

1. The CMD took place on 12 April 2024 at 14.00 by telephone. None of the Applicant, the Applicant's Agents or the Respondent took part. The Tribunal noted that the CMD had been intimated to the Parties and to the Respondent, in particular, by Sheriff Officer.

Decision and reasons for the decision

2. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" The Tribunal had no information on which to determine if the Order was still sought or if it was reasonable to grant an Order. Therefore, the Tribunal dismissed 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.



Legal Member/Chair

Date 12 April 2024