



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/23/3486

Re: Property at 3 Roseberry Terrace, Leven, Fife, KY8 4PB (“the Property”)

Parties:

Mr David Milligan, 6 Victoria Road, Leven, Fife, KY8 4EU (“the Applicant”)

Miss Nicole Miller, 3 Roseberry Terrace, Leven, Fife, KY8 4PB (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of both Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application should be refused for want of insistence.

Statement of Reasons

1. This Application called for its continued Case Management Discussion by teleconference call on 21 May 2024. Neither Party was present or represented.
2. This Application previously called for a Case Management Discussion on 10 January 2024. At that time the Applicant was represented and the Respondent was personally present. The details of that CMD are set out in the Note which followed it. For present purposes, it is sufficient to say that the CMD was continued to allow the Applicant’s Representative to take instructions on the position as described by the Respondent, and for the Respondent to take legal advice. Both Parties were asked to lodge written representations in advance of the continued CMD. Neither did. The

Applicant's Representative intimated its withdrawal from acting shortly after the first CMD.

3. Neither Party has attended the continued CMD notwithstanding that the joining details were intimated to them. In the circumstances, the Tribunal will refuse the Application for want of insistence.

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.



A.Upton

Legal Member/Chair

21st May 2024

Date