



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/23/4397

Re: Property at 15 Selkirk Avenue, Cowdenbeath, KY4 8NT (“the Property”)

Parties:

Mr William Hall, 56 Moss Side Road, Cowdenbeath, KY4 9JP (“the Applicant”)

Ms Hazel Preston, 15 Selkirk Avenue, Cowdenbeath, KY4 8NT (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in the absence of the Applicant and Respondent)

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

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 65 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order eviction.
2. The application contained:- a copy of the tenancy agreement, rent statement, bank statements, notice to quit, AT6 Form, and section 11 notice.
3. Notice of the case management discussion had been sent to the parties by letters dated 14 May 2024.
4. There was no appearance by either party at the case management discussion on 18 June 2024.

5. The tribunal's clerk called the applicant's agent on 18 June 2024 to ascertain if they intended to appear. The agent advised that their office had called the tribunal administration earlier to advise that they were withdrawing the application. No written confirmation had been provided that the case was to be withdrawn.

6. In terms of Rule 27 of the Tribunal Rules 2017 as no party appeared; and as the applicant's agent advised that the applicant had withdrawn the application; but as no written confirmation had been provided; then the tribunal dismissed the Applicant's application.

Decision

7. Application 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.

Melanie Barbour

18 June 2024

Legal Member/Chair

Date