



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/23/3538

Re: Property at 9 Pundeavon Avenue, Kilbirnie, KA25 7BH (“the Property”)

Parties:

Mr Ian Woodside, 131a Gobbins Road, Larne, BT40 3TX (“the Applicant”)

Miss Danielle Hay, 9 Pundeavon Avenue, Kilbirnie, KA25 7BH (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Ann Moore (Ordinary Member)

Decision (in 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 in terms of rule 27 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for eviction.
2. The application contained the tenancy agreement; rent account; notice to leave; section 11 notice; and landlord’s authorisation form.

3. The case was continued from a case management discussion on 2 April 2024.
4. On 1 July 2024 the respondent's agent advised that the respondent had left the property and suggested that the case management discussion was no longer needed. A copy of that email was sent to the other side. The applicant did not respond to that email.
5. There was no appearance by either party at today's case management discussion on 30 July 2024.
6. Rule 27 of the Tribunal Hearing Rules deals with dismissal of a party's case. The First Tier Tribunal may dismiss the proceedings if the applicant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings justly and fairly.
7. Given that there was no appearance by the applicant, the tribunal was unable to deal with the proceedings fairly or justly.
8. Accordingly, we consider that we should dismiss this application.

Decision

9. 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.

M. Barbour

30 July 2024

Legal Member/Chair

Date