



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/24/3303

Re: Property at 89 Newtoft Street, Edinburgh, EH17 8QX (“the Property”)

Parties:

Mr John Miller, 87 Newtoft Street, Edinburgh, EH17 8QX (“the Applicant”)

Ms Joyce MacDonald, 89 Newtoft Street, Edinburgh, EH17 8QX (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 9 June 2023 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 1 May 2023.
3. A Notice to Leave dated 12 April 2024 was intimated to the Respondent. The Notice to Leave stated the ground of eviction to be the landlord’s intention to refurbish the let Property.
4. A Notice in terms of s11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the Local Authority.

5. An Application seeking an eviction order was presented to the Tribunal on 19 July 2024.

THE CASE MANAGEMENT DISCUSSION

6. A Case Management Discussion was assigned to be held by teleconference at 10am on 13 January 2025. Neither the Applicant nor any representative on his behalf participated in the Case Management Discussion. The Respondent participated personally. The Tribunal did not convene until 10.08am to give the Applicant an opportunity to join the proceedings late. He did not do so.
7. The Respondent advised she was opposed to an order for eviction. She highlighted the fact the application suggested that only the bathroom and kitchen were to be upgraded and she did not consider it necessary for an eviction order to be granted for that work to be done. She advised that the house was “riddled with dampness” and there were other more significant issues arising from that. Treatment of any dampness or other issues, however, did not appear to form part of the work to be done.
8. The Respondent is opposed to the application but, in any event, given that the Applicant did not participate either personally nor by way of a representative, the Tribunal dismissed the application for want of insistence.

DECISION

The Tribunal dismissed 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.

Virgil Crawford

13 January 2025

Legal Member/Chair

Date