

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/0421

Re: Property at 15b Blairmore Road, Greenock, PA15 3JT (“the Property”)

Parties:

Greenview Profit Limited, Company, 25 Eskbank Road, Dalkeith, EH22 1HJ (“the Applicant”)

Miss Michaela Morgan Boyd, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal 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 should be dismissed.

Background

1. An application was received by the Housing and Property Chamber dated 25th January 2025. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 30th October 2024 all parties were written to with the date for the Case Management Discussion (“CMD”) of 12th December 2024 at 10am by teleconferencing. The letter also requested all written representations be submitted by 20th November 2024.
3. On 31st October 2024, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent. This was evidenced by Certificate of Intimation dated 31st October 2024. However, an email had been sent to the Housing and Property Chamber on 30th October 2024 to say that the Respondent had left the Property. It also that the Respondent had rent

arrears of £1683.98 and cost £510 as she did to clear the Property. A rent account and invoice were attached to evidence this point. This was crossed over to the Tribunal on 14th November 2024. It decided to postpone the CMD and to proceed with Service By Advertisement.

4. On 11th November 2024 the Applicant's representative emailed the Housing and Property Chamber to withdraw the conjoined case EV/24/0420. It was noted for this case that she was to enlist a sheriff officer to obtain a new address.
5. On 18th November 2024 the Applicant's representative emailed the Housing and Property Chamber to that the Respondent left on 13th September 2024.
6. On 6th December 2024, the Applicant's representative emailed the Housing and Property Chamber to advise that the Respondent had contacted and said that she had entered into a Trust Deed. The Applicant's representative was not sure on how to proceed. The Tribunal cannot give legal advice to any single party and that she could seek her own independent advice to advise her on this point.
7. On 22nd January 2025 the Applicant's representative emailed the Housing and Property Chamber that the Respondent was issued with a Trust Deed and the case could not proceed. The Applicant's representative was asked for clarification if the Applicant was seeking to withdraw the case.
8. On 23rd January 2025, the Respondent emailed the Housing and Property Chamber advising that she had entered a Trust Deed.
9. On 23rd January 2025, the Respondent's representative emailed the Housing and Property Chamber advising that she had entered a Trust Deed.
10. On 24th January 2025, the Applicant's representative emailed the Housing and Property Chamber forwarding the email from the Respondent's representative as detailed above
11. On 18th February 2025, the Applicant's representative emailed the Housing and Property Chamber advising that she considered that this application should be put on hold. She was written to asking that she clarify if she wished to withdraw the case or not.
12. On 29th September 2021 all parties were written to with the date for the CMD of 24th February 2025 at 2pm by teleconferencing. Service by Advertisement was undertaken upon the Respondent from 17th January 2025.

The Case Management Discussion

13. A CMD was held 24th February 2025 at 2pm by teleconferencing. Neither the Applicants nor the Respondent were present or represented. There was no

explanation why the Applicant, in particular, was not present or represented. The Tribunal waited until 10.10am to see if parties were delayed. At that point neither party had joined the teleconference.

14. The Tribunal dismissed the case as it was not clear that the Applicants wished to rely on the matters within the application.

Decision

15. The application was dismissed as it was not clear that the Applicant wished to rely on the application proceeding.

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.

Gabrielle Miller

24th February 2025

Legal Member/Chair

Date