

Housing and Property Chamber
First-tier Tribunal for Scotland



**MINUTE OF CONTINUATION TO A DETERMINATION,
BEING A DECISION UNDER
SCHEDULE 2 PARA 7(3) OF HOUSING (SCOTLAND) ACT 2006**

HOUSE AT 13/2 High Street, Lanark, ML11 7LU

Case Reference FTS/HPC/RP/24/1938

Sarah Moon, formerly 13/2 High Street, Lanark, ML11 7LU (“The former Tenant”)

**Mrs Alyson Coleman, Unit 213/3, Darling Island Road, Pyrmont, NSW 2009,
Australia (“The Landlord”)**

**Tribunal Members – Josephine Bonnar (Legal Member) and Lori Charles
(Ordinary Member)**

The Tribunal received confirmation from the Tenant and the Landlord that the tenancy of the house has been terminated, and accordingly, under Schedule 2 Paragraph 7(1) of the Housing (Scotland) Act 2006 (“The Act”), the Tenant is to be treated as having withdrawn the application under Section 22(1) of the Act. The Tribunal then considered the application and whether said application should be determined or whether it should be abandoned, all in terms of Schedule 2 Paragraph 7(3) of the Act;

The Tribunal attended at the property on 15 January 2024 to carry out an inspection. The property appeared to be unoccupied and the Tribunal was not provided with access. Neither party attended the hearing, which took place by telephone conference call at 2pm on 15 January 2024.

The Tribunal contacted both parties and they confirmed that the tenancy had ended. The Tribunal then asked the Landlord to confirm whether the property is to be re-let or sold. On 29 January 2024, the Landlord’s representative (understood to be her husband) advised the Tribunal that a roof repair is still to be carried out and that he does not wish the Landlord to sell. He added that a decision would be made after the work is carried out. The Tribunal sought clarification and evidence, if the property is to be sold. The Landlord replied stating that she intends to sell but did not provide evidence.

The Tribunal notes that:

1. The repair issues referred to in the application are significant and raise health and safety issues.

2. The Landlord has confirmed that work is required and this has not yet been carried out.
3. The Landlord has failed to establish that the property is to be sold and not re-let.

Accordingly, the Tribunal has decided to continue to determine the application.

If the property is sold or actively marketed for sale, the Landlord should provide evidence of this and the Tribunal may decide to review this decision.

Josephine Bonnar

Josephine Bonnar, Legal Member:

6 February 2025