



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/EV/24/3084

Re: Property at Flat G/L, 19 David Street, Broughty Ferry, Dundee, DD5 2BU (“the Property”)

Parties:

Jennifer Clark, 6 Altris Wood, Aberdeen, AB12 5GH (“the Applicant”)

Miss Shannon Cole, Flat G/L, 19 David Street, Broughty Ferry, DUNDEE, DD5 2BU (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

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

Background

1. On 4th July 2024 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 30th April 2020 and a rent of £390 per month;
 - ii. Copy Notice to Leave dated 16th May 2024;
 - iii. Copy email to the Respondent serving the Notice to Leave;
 - iv. Section 11 Notice and proof of service;
 - v. Copy Rent Statement showing arrears of £647.77 as at 1st July 2024;

3. The Application was served on the Respondent by Sheriff Officers on 1^{7th} February 2025.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by teleconference. Neither party dialled in. The Clerk telephoned the Applicant’s representative and was told that he had sent an email to the Tribunal withdrawing the application (the email could not be found on the Tribunal’s system). On that basis the Tribunal dismissed the application.

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.

Alison Kelly

Legal Member/Chair

24 March 2025

Date