



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/20/1261

Re: Property at 74 Millhall Court, Plains, ML6 7GE (“the property”)

Parties:

Modern Housing LTD, 505 Merry Street, Motherwell, ML1 4DA per their representative, Mr Alexander Smith (“the applicant”)

Miss Abby McPhee, 74 Millhall Court, Plains, ML6 7GE (“the respondent”)

Tribunal Member:

David Preston (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) dismissed the application in terms of Rule 27 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Background

1. This was a Case Management Discussion (CMD) in respect of an application for an eviction order.
2. By Decision dated 28 October 2020 a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to a CMD.
3. The Notice of Acceptance was intimated to the applicant on 4 November 2020 and a letter informing him of the date and time of the CMD was sent to him on 6 November 2020. On 6 November 2020 a Letter of Intimation together with the application and supporting documentation, specifically drawing the respondent’s attention to the time and date of the CMD were served on the respondent in terms of Sheriff Officer Certificate of Intimation dated 9 November 2020.

4. On 15 December 2020 at 2.00pm a CMD was convened by telephone in accordance with the provisions dealing with business during the COVID-19 pandemic. Neither party had attended by 2.15pm at which time the tribunal determined to dismiss 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.