



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/19/1598**

**Re: Property at 67 a Princes Street, Ardrossan, KA22 8DG (“the Property”)**

**Parties:**

**Casa Properties, 91 Princes Street, Ardrossan, KA22 8DQ (“the Applicant”)  
Represented by MacKenzie Way, Estate and Letting Agents, 36 Hamilton Street, Saltcoats, KA21 5DS**

**Mr Antony Pentleton, 67 a Princes Street, Ardrossan, KA22 8DG (“the Respondent”)**

**Tribunal Members:**

**Lesley Dowdalls (Legal Member)**

**Decision (in absence of the parties)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be dismissed due to lack of insistence.**

**This is an application for eviction in terms of the Private Housing (Tenancies) (Scotland) Act 2016 based on rent arrears for a period in excess of 3 months.**

**The Application was lodged on 13<sup>th</sup> May 2019. Both parties received intimation of today’s Case Management Discussion. A track and trace certificate is within the papers, showing that the Applicant’s representative received delivery of notification on 19<sup>th</sup> June 2019. Execution of service on the Respondent was by Sheriff Officer, effected on 20<sup>th</sup> June 2019. Certificate of service by Sheriff Officer is within the case papers.**

**Neither party attended today. The start of the Discussion was delayed to allow for late arrival. The Clerk checked with the Tribunal service to ensure no late notification of non-attendance had been provided, but no information had been received from either party.**

**In the circumstances, the Application is dismissed. There is no evidence before the tribunal today regarding rent arrears as at today's date and the tribunal cannot assume in the absence of evidence that the rent arrears statement produced as at 25<sup>th</sup> April 2018 remains unpaid.**

### **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.**

**Lesley Dowdalls**

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**Legal Member/Chair**

**29 July 2019**

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**Date**