



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/19/1829

Re: Property at 22 Main Street, Dalrymple, KA6 6DF (“the Property”)

Parties:

RHO8 Ltd, Eldo House, Monkton Road, Prestwick, KA9 2PB (“the Applicant”)

Miss Melissa Woodley, Mr Derek Burns, 22 Main Street, Dalrymple, KA6 6DF (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision

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

Alison Kelly (Legal Member)

Background

On 13th June 2019 the Applicant’s Agent lodged an application seeking eviction of the Respondents, using ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.

Lodged with the application were:

1. Copy Notice To Leave
2. Section 11 Notice

The Applicant’s agent was emailed on 1st July 2019 asking that a copy of the Tenancy Agreement be lodged with the Tribunal office by 15th July 2019. No copy was lodged prior to the Case Management Discussion on 19th August 2019.

The Applicant's agent telephoned the Tribunal office on 16th August 2019 to advise that the Respondents had vacated the property and asking if he should still attend the CMD. He was informed that the Tribunal could not give advice.

Case Management Discussion

There was no attendance by the Applicant, or by any agent on his behalf. The Respondents appeared personally.

The Chairperson waited until 11.40am before commencing the CMD.

The Respondents confirmed that they had vacated the property on 11th August 2019, but had still some belongings to uplift. They had not informed the Landlord that they would be leaving on that date. When they went back to collect their items the locks had been changed.

The Chairperson explained that what she had before her was an application for eviction. Given that there was no one present to move that the Application be granted she was going to dismiss it.

Outcome

Given the non appearance of anyone to move the application, the terms of the Applicant's agent's telephone call to the Tribunal office on 16th August, and the fact that the Respondents had already vacated the property, the application was dismissed.

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.

A Kelly

Legal Member/Chair

J

Date

19/8/19