



**Notes on a Case Management Discussion 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/19/2247**

**Re: Property at 26 Crail Place, Barnhill, Dundee, DD5 3SW (“the Property”)**

**Parties:**

**RSA Coiled Tubing Limited, 35 Alexander Gordon Drive, Monifeith, Dundee, DD5 4HD (“the Applicant”)**

**Ms Quinta Arrey, 26 Crail Place, Barnhill, Dundee, DD5 3SW (“the Respondent”)**

**Tribunal Member:**

**Gabrielle Miller (Legal Member)**

**Summary of Discussion**

**Background**

1. An application was received by the Housing and Property Chamber on 17<sup>th</sup> July 2019. It was dated 16<sup>th</sup> July 2019. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to ground 1 of the Private Housing (Tenancies) Act 2016.
2. The application included:-
  - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 31<sup>st</sup> August 2018;
  - b. Notice to Leave signed 18<sup>th</sup> April 2019 stating an application would not be submitted to the Tribunal before 16<sup>th</sup> July 2019 and noting that Schedule 3 ground 1 was of issue along with recorded delivery slip dated 18<sup>th</sup> April 2019;

- c. Section 11 notice noting proceedings would not be raised before 16<sup>th</sup> July 2019; and
  - d. Letter of agreement with Blackadder Solicitors dated 16<sup>th</sup> April 2019 regarding the sale of the Property
3. The Tribunal also had before it a copy of the title deeds numbered ANG66843.
  4. On 5<sup>th</sup> September 2019, all parties were written to with the date for the Case Management Discussion (“CMD”) of 11<sup>th</sup> October 2019 at 10am at Caledonia House, Greenmarket, Dundee. The letter also requested all written representations be submitted by 26<sup>th</sup> September 2019.
  5. On 9<sup>th</sup> September 2019, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service and first class post. This was evidenced by Certificate of Citation dated 9<sup>th</sup> September 2019.

### **The Case Management Discussion**

6. A CMD was held on 11<sup>th</sup> October 2019 at 10am at Caledonia House, Greenmarket, Dundee. The Applicant did not appear. The Housing and Property Chamber advised that the Applicant’s legal representative informed the Housing and Property Chamber on the day of the hearing that the Applicant’s legal representative had elected not to attend the hearing. It was stated that one solicitor does not work on a Friday, the day on which the hearing called, while the other two available solicitors were on annual leave. The Respondent was present and represented herself. Neither party made representations in advance of the hearing. The Respondent informed the Tribunal that she and her young son left the Property on 10<sup>th</sup> September 2019. She returned the keys on the same day to the letting agent.

### **Findings and reason for decision**

7. A Private Rented Tenancy Agreement commenced 31<sup>st</sup> August 2019.
8. The Appellant has engaged Blackadder Solicitors regarding the sale of the Property.
9. The Respondent left the Property on 10<sup>th</sup> September 2019 and returned the keys on the same date.

## Decision

10. The Applicant has taken steps to show that the Property is being marketed for sale insofar as the letter of engagement has been lodged. There has been no further evidence to demonstrate that this is still the Applicant's intention given that the Respondent moved out of the Property and returned the keys over 1 month ago. As the Applicant's legal representative elected not to appear at the CMD the Tribunal was not satisfied that this it was still the intention of the Applicant to sell the Property. The application is refused and the case dismissed.

## Outcome

11. Case dismissed

**NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.**

**Ms Gabrielle Miller**  
**Legal Member**

11 OCT 19  
Date