



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/18/3073

Re: Property at 41E Mains Loan, Dundee, DD4 7AF (“the Property”)

Parties:

Mr Tristan Harper, Kirkton Cottage, Kirkton Road, Newtyle, PH12 8TS (“the Applicant”)

Mr Ross Burns, 41E Mains Loan, Dundee, DD4 7AF (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that -

Background -

- A previous Case Management Discussion “(CMD)” had taken place on 23 January 2019.
- The previous CMD had been adjourned to today for missing documentation to be provided to the Tribunal namely (i) evidence of service of the combined Notice to Quit/Section 33 Notice on the Respondent and (ii) evidence of Dundee City Council accepting the Section 11 Notice despite the erroneous terms thereof, or the production of a fresh Section 11 Notice and evidence of service thereof.
- The notes of the previous CMD were issued to the parties by recorded delivery post on 29 January 2019
- The date and time of the adjourned CMD taking place today was intimated to the parties by ordinary post on 8 February 2019.
- No further documentation had been provided to the Tribunal subsequent to the previous CMD.
- Neither party was present or represented at the CMD today.

- The Tribunal was satisfied that the parties had been given notice of the CMD taking place today in terms of Rules 24(1) and 29 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules 2017 (as amended) and proceeded to determine the application in the parties' absence.
- The Applicant not being in attendance or represented and the documentation required to be produced following the previous CMD having not been produced the Tribunal dismissed the application and made a decision to that effect.

Decision

- The application is 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.

Gillian Buchanan

Legal Member/Chair

4/3/19

Date