



**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 (Act)**

**Chamber Ref: FTS/HPC/EV/19/2885**

**Re: Property at 10 Shawhill Road, Annan, DG12 6JY (“the Property”)**

**Parties:**

**Mrs Tracey Johnstone, Mill Hill, Gretna, Dumfriesshire, DG16 5HZ (“the Applicant”)**

**Miss Megan McVittie, 10 Shawhill Road, Annan, DG12 6JY (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

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

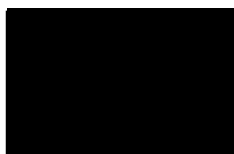
**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be refused.**

**Background**

This is an application under section 51(1) of the Act and Rule 109 of the Tribunal Procedure Rules for eviction and recovery of possession of the Property under Grounds 11, 12 and 14 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 16 September 2019;
2. Private Residential Tenancy Agreement (PRTA) commencing 6 August 2018;
3. Notice to Leave dated 8 August 2019;
4. Royal Mail track and trace Proof of Delivery dated 9 August 2019;
5. Section 11 Notice to local authority;
6. Timeline prepared by Applicant;
7. 21 Attachments to Timeline;



8. Sheriff Officer Certificate of Service of Notification of Case Management Discussion (CMD) dated 22 November 2019.

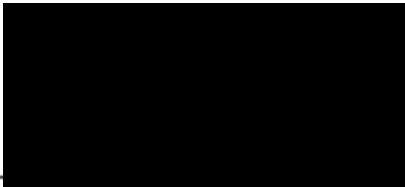
**CMD**

Neither Party appeared nor were they represented. The Tribunal was satisfied that both Parties had received notification of the CMD. The Applicant's Solicitors had been advised by letter of 20 November 2019 and the Respondent had been notified by Sheriff Officers on 22 November 2019.

In light of the Parties non- appearance the Tribunal effused 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.



\_\_\_\_\_  
Legal member/Chair

23 December 2019

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Date