



Notes on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) In respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 109 of the Rules

Chamber Ref: FTS/HPC/EV/22/2687

Re: Property at 15 Maxton Court, Dalkeith, EH22 1BL (“the Property”)

Parties:

Ms Amanda Boyd, 2 Cowdenburn Cottages, Lamancha, West Linton, EH46 7BD (“the Applicant”)

Mr Ramji Kunwar and Mrs Basanti Kunwar, 15 Maxton Court, Dalkeith, EH22 1BL (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Robert Buchan (Ordinary Member)

Decision (in absence of both Parties)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the Application without Order.

1. By application received between 4 and 8 August 2022 (“the Application”), the Applicant applied to the Tribunal for an Order for eviction and possession of the Property based on the Ground 1 of the Act that the landlord intends to sell the Property. The Application comprised a copy of private residential tenancy agreement between the Parties, copy Notice to Leave in terms of Ground 1 of Schedule 3 to the Act dated 31 January 2022 with proof of issue to the Respondents and copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Midlothian Council, being the relevant local authority.
2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 2 December 2022 at 10.00, which CMD was postponed to 3 March 2023 at 10.00 by telephone conference as the Respondents required an interpreter. The CMD of 3 March 2023 and intimated to the Parties on 25 January 2023.

Case Management Discussion

3. The CMD took place on 3 March 2023 at 10.00 by telephone. Neither the Applicant nor the Respondents took part and neither was represented or submitted written representations.
4. As the Tribunal could not be certain that it is reasonable to grant the Order, the Tribunal dismissed the Application and made no Order.

Outcome

5. The Tribunal dismissed the Application and made no Order.

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.

Karen Moore

Legal Member/Chair

3 March 2023
Date