

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 30 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/EV/19/1657

Re: Property at 14A Grougar Road, Crookedholm, Kilmarnock, Ayrshire, KA3 6LA (“the Property”)

Parties:

Mrs Myra Harrold, 12 Beaufield Gardens, Kilmaurs, Kilmarnock, Ayrshire, KA3 2NS (“the Applicant”)

Mr Gavin William Barrett, 14A Grougar Road, Crookedholm, Kilmarnock, Ayrshire, KA3 6LA (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application by the Respondent for recall of the Decision of the Tribunal dated 12th August 2019 is refused.

Background

The Tribunal granted an order for an eviction order in respect of the Property on 12th August 2019. This was in the absence of the Respondent.

The Respondent applied to the Tribunal on 28th August 2019 for recall of the eviction order because he stated that he had been unaware of the Hearing on 12th August 2019. The application had been made timeously and had been intimated to the Applicant.

I remitted consideration of the application to a case management discussion, which was held today. Intimation of the date of the case management discussion was made to parties. The Respondent wrote to the Tribunal office and advised that he had plans and would not be able to attend. He asked for

another date to be set. I refused this request and indicated that he would require to be present or to arrange to have representation at the case management discussion.

Case Management Discussion

Mrs Harrold was present and was accompanied by her husband.

Mr Barratt was neither present nor represented.

There being no representations from the Respondent as to why it would be in the interests of justice for the Decision to be recalled, I determined that the application be refused.

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.

Martin J. McAllister
Legal Member/Chair
27th September 2019