



**Decision with Statement of Reasons 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/22/4047**

**Re: Property at Maol Ruadh, Roy Bridge, PH31 4AQ (“the Property”)**

**Parties:**

**Mrs Clare McCabe, Mr Stephen McCabe, Aonach Glas, Achnabobane, Spean Bridge, PH34 4EX (“the Applicants”)**

**Mr Norman Hughes, Mrs Donna Hughes, both formerly residing at Maol Ruadh, Roy Bridge, PH31 4AQ and whose current whereabouts are unknown (“the Respondents”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member) and Eileen Shand (Ordinary Member)**

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

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

**Background**

This was an application for an eviction order dated 8<sup>th</sup> November 2022 and brought in terms of Rule 109 (Application for an eviction order) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicants sought an eviction order in relation to the Property against the Respondents, and provided with their application copies of the private residential tenancy agreement, notice to leave and proof of service, section 11 notice and proof of service, and various correspondence including terms and conditions in relation to the sale of the Property from their solicitor.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Private Housing (Tenancies) (Scotland) Act 2016* and the *Coronavirus (Scotland) Act 2020*, and the procedures set out in those Acts appeared to have been correctly followed and applied.

The Respondents had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 22<sup>nd</sup> February 2023, and the Tribunal was provided with the executions of service.

### **Case Management Discussion**

A Case Management Discussion was held at 10:00 on 28<sup>th</sup> March 2023 by Tele-Conference. The Applicants participated, and were represented by Mr Chisholm, solicitor. The Respondents did not participate, nor were they represented. The Respondents had not responded to this application at any stage either in writing or by any other form of communication.

The Tribunal was satisfied that the requirements of giving notice had been duly complied with, and proceeded with the application in terms of Rules 17 and 29 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

Mr Chisholm explained that the Respondents had returned the keys and quit the Property on 9<sup>th</sup> March 2023, and that the Applicants had resumed possession of the Property.

As a result, Mr Chisholm withdrew this application orally in terms of Rule 15(1)(a) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

### **Decision**

The Application was withdrawn orally by the Applicants in terms of Rule 15(1)(a) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

## **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.**

27/03/2023

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**Legal Member/Chair**

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**Date**