

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/17/0480

Re: Property at Glendale Cottage, No 2 Small Holdings, Sauchenford, Plean, Stirling, FK7 9AP (“the Property”)

Parties:

Mr Russell Gordon, Mrs Lesley Gordon, Glenside farm, Plean, Stirling, FK7 8BA (“the Applicant”)

Ms Cara Craig, Glendale Cottage, No 2 Small Holdings, Sauchenford, Plean, Stirling, FK7 9AP (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)
Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that consideration of the application should be continued to a case management discussion three months hence.

Background

The Applicants submitted an application seeking an order to evict the Respondent from the property at Glendale Cottage, No. 2 Small Holdings, Sauchenford, Plean, Stirling, FL7 9AP. The Tribunal intimated the application to the Respondent on 10th January 2018 and advised her of the date, time and place of the case management discussion on 12th February 2018. The Applicants were represented by Mrs Mullen, solicitor and the Respondent was personally present. Reference is made to the note from the case management discussion of 12th February. Since the case management discussion, the Tribunal received a letter from the Applicants’ solicitors dated 12th April 2018, which is referred to for its terms.

The Hearing

The Applicants were represented by Miss McQuarrie and the Respondent was personally present. Miss McQuarrie advised the Tribunal that the parties have had discussions and in light of those discussions, she considers that matters may be capable of settlement. In those circumstances, the Applicants did not insist upon amendment of the application today but instead, sought to have a further case management discussion three months hence. Miss Craig advised the Tribunal that she is looking for alternative accommodation and is on the local authority's housing waiting list. Miss Craig agreed that a case management discussion in three months' time would be helpful. In the circumstances, the Tribunal granted the request of both parties to continue to a further case management discussion.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

A party may request the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for this decision within 14 days of the date of issue of this decision.

N Irvine

Legal Member/Chair

16.04.2018

Date