



**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/22/1596**

**Re: Property at 3 St Stephens Place, Stevenston, KA20 4JJ (“the Property”)**

**Parties:**

**Mr Leslie Crawford, 57 Thornbrooke Drive, Ahoghill, Ballymena, BT42 1PZ (“the Applicant”)**

**Claire Cowan, 3 St Stephens Place, Stevenston, KA20 4JJ (“the Respondent”)**

**Tribunal Members:**

**Ruth O’Hare (Legal Member) and Helen Barclay (Ordinary Member)**

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

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

**Background**

- 1 By application to the Tribunal dated 17<sup>th</sup> May 2022 the Applicant sought an eviction order against the Respondents under ground 1 of Schedule 3 of the Private Housing Tenancies (Scotland) Act 2016 (“the 2016 Act”). In support of the application the Applicant submitted the following:-
  - (i) Copy Private Residential Tenancy Agreement between the parties;
  - (ii) Notice to Leave dated 1<sup>st</sup> November 2021, confirming that proceedings would not be raised any earlier than 1<sup>st</sup> May 2022 and citing ground 1 of schedule 3 of the 2016 Act together with proof of delivery by recorded delivery mail; and
  - (iii) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 to North Ayrshire Council together with proof of service by email dated 19 January 2022.

- 2 The Tribunal was also provided with the title sheet for the property which confirmed the Applicant to be the registered owner with Mr Kenneth Crawford. The Applicant produced a signed authorisation from Kenneth Crawford confirming that the Applicant was authorised to raise the proceedings.
- 3 By Notice of Acceptance of Application the Legal Member with delegated powers from the Chamber President intimated that there were no grounds upon which to reject the application. A Case Management Discussion was therefore assigned for the 27 September 2022. A copy of the application paperwork together with the date and time of the Case Management Discussion with instructions for joining the teleconference was served upon the Respondents by Sheriff Officers.

### **Case Management Discussion**

- 4 The Case Management Discussion took place on 27 September 2022. Neither party was in attendance. The Tribunal was in receipt of an email from the Applicant dated 30 August 2022 which confirmed that the Respondent was vacating the property on 8 September.

### **Reasons for Decision**

- 5 The Tribunal was satisfied that it could make a decision at the Case Management Discussion without prejudice to the parties. The email from the Applicant confirmed that the Respondent intended on vacating the property on 8 September. The lack of attendance by either party supported the Tribunal's conclusion that this must have taken place. On that basis the Tribunal determined to dismiss the application.
- 6 The decision of the Tribunal was unanimous.

### **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.**

Ruth O'Hare

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**Legal Member/Chair**

27/09/22

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**Date**

