



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/EV/22/3325

Re: Property at Cuttieburn Croft, Craig, Rhynie, Huntly, AB54 4LR (“the Property”)

Parties:

Executors of the late Alisdair Barlas, C/O Burnett and Reid LLP, Suite A Ground Floor, 9 Queen's Road, Aberdeen, AB15 4YL (“the Applicant”)

Mr John Wright, East Brucklebog, Crathes, Banchory, AB31 5QP (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Gerard Darroch (Ordinary Member)

1. This is an application for an order for repossession under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”)
2. On 19 May 2023, the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 23 June 2023. The Respondent required to lodge written submissions by 9 June 2023. This paperwork was served on the Respondent at his new address of East Brucklebog, Crathes, Banchory, AB31 5QP by Roger Ewan, Sheriff Officer, Aberdeen on 23 May 2023 and the Execution of Service was received by the Tribunal administration.
3. The Respondent did not make any written response to the Application by 9 June 2023.
4. The Tribunal proceeded with a CMD on 23 June 2023 by way of teleconference. The Applicant was represented by Alasdair Taylor from Burnett and Reid solicitors. There was no appearance by or on behalf of the Respondent despite the teleconference starting 5 minutes late to allow the Respondent plenty of time to join. The Tribunal was satisfied the Respondent

had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.

5. The case was heard together with a further case for recovery of possession made in terms of Rule 66 of the Regulations under case reference FTS/HPC/EV/22/3329.
6. Mr Taylor explained his position was that he would withdraw the application in the event that the Tribunal was with him on his submissions under the other action for eviction which proceeded in terms of Rule 66.
7. The Tribunal granted an order for eviction under Rule 66 which proceeded under case reference FTS/HPC/EV/22/3329. Mr Taylor confirmed he was content to withdraw the application.

Outcome

8. The Tribunal granted the request to withdraw. The application was accordingly withdrawn.

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.

Shirley Evans

28 June 2023

Legal Chair

Date