



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 61(1) of the Private Housing (Tenancies) Scotland Act 2016

Chamber Ref: FTS/HPC/EV/19/4046

Re: Property at 35 Wren Road, Greenock, PA16 7NH (“the Property”)

Parties:

Mr Sadhu Singh, 2 Crosslee Crescent, Houston, PA7 7DT (“the Applicant”)

Miss Sheriden Allan, 35 Wren Road, Greenock, PA16 7NH (“the Respondent”)

Tribunal Members:

Graham Dunlop (Legal Member)

Decision (in the absence of the parties)

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

The application is refused due to the failure of the applicant to appear or be represented at the continued Case Management Discussion on 27th August 2020.

Background

1. The background is set out in the Notes of a previous Case Management Discussion held on 21st July 2020.
2. The applicant seeks an order for eviction of the respondent as he asserts that he wishes to sell the property.
3. The Tribunal previously identified, in the letter of 13th February 2020, a number of matters which required to be addressed including: whether the tenancy is valid; whether the Notice to Leave is valid; and the sufficiency of the evidence in relation to the applicants wish to sell the property.

4. In addition a direction dated 1st July 2020, requiring documents to be lodged, has been served on the respondent on two occasions without any response.
5. The respondent failed to attend or be represented at the Case Management Discussion held on 21st July 2020. The Tribunal contacted the respondent who indicated that his solicitor was dealing with the application.

Case Management Discussion 27th August 2020 (“the CMD”)

6. By letters both dated 5th August 2020 the parties were advised of the CMD, and the arrangements for hearing the CMD. The parties did not attend the CMD.

Reasons for Decision

7. The respondent did not appear or arrange representation at either CMD. The Tribunal did not consider that it would be reasonable to fix a third CMD. The Tribunal considers that the applicant has been given ample opportunities and notice to attend the CMDs in July and August 2020 but has failed to do so without contacting the Tribunal or presenting any reasonable excuse for non-attendance, and accordingly the application is refused.

Decision

8. The application is refused for the reasons discussed above.

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.

Graham Dunlop

27th August 2020

Legal Member/Chair

Date