



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/21/1192**

**Re: Property at 45 Talisman Rise, Dedridge, Livingston, EH54 6PL (“the Property”)**

**Parties:**

**Ms Jennifer Long, 105 Binny Craig View, Pumpherston, West Lothian, EH53 0FT (“the Applicant”)**

**Miss Angela Forster, 45 Talisman Rise, Dedridge, Livingston, EH54 6PL (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)**

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

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

**Background**

This Hearing was fixed following on from a Case Management Discussion that took place on 29 July 2021. The Applicant was seeking an Eviction Order on the basis of Grounds 4 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Application was opposed and so a Hearing was assigned for today and case management orders were made. The date of today’s Hearing was fixed with the agreement of both parties.

## **The Hearing**

When the Hearing called today at 10 am on 27 August 2021, the Applicant was personally present. There was no appearance by or on behalf of the Respondent despite having been personally present when today's Hearing was fixed.

At the outset of the Hearing, the Applicant indicated that the Respondent had now vacated the Property and been re-housed by the local authority. The Applicant had recovered the keys and taken back possession of the Property. The Applicant advised that she no longer required an Eviction Order and wished the Tribunal simply to bring matters to an end with no order being made.

With the consent of the Applicant, The Tribunal therefore simply refused the Application.

## **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.

# A McLaughlin

27/08/2021

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Legal Member/Chair

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Date