



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/21/1303

Re: Property at Flat 2, 4 Mansionhouse Court, Glasgow, G41 3DD (“the Property”)

Parties:

Miss Emma O'Hara, 4 Montgomery Drive, Giffnock, G46 6PY (“the Applicant”)

Mr John Scanlon, Flat 2, 4 Mansionhouse Court, Glasgow, G41 3DD (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Applicant and Respondent)

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

- Background
- 1. An application dated 28 May 2021 was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). Said application sought a repossession order against the Respondent on the basis that the landlord intends to live in the Property, being Ground 4 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).
- Case Management Discussion
- 2. A Case Management Discussion (“CMD”) was scheduled to take place 19 August 2021. Said CMD was adjourned on the application of the Respondent due to his ill health. A further CMD took place on 30 September 2021 by tele-conference. Both parties were notified of the date and time of the CMD by email and letter dated 26 August 2021. Neither party appeared or were represented

at the CMD and no written representations were made by either party in advance of the CMD. The application was accordingly dismissed.

- Decision

The application for a repossession order against the Respondent on the basis of Ground 4 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ("2016 Act") is dismissed.

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.

F Watson

Legal Member/Chair

Date: 30 September 2021