



**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/21/3224**

**Re: Property at 70 Spruce Road, Cumbernauld, G67 3DR (“the Property”)**

**Parties:**

**Mrs Sylvia Reilly Doyle, 27 Glen Lochay Gardens, Cumbernauld, G68 0DY (“the Applicant”)**

**Chloe Cameron, 70 Spruce Road, Cumbernauld, G67 3DR (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Sandra Brydon (Ordinary Member)**

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

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

**Background**

1. An application was received by the Housing and Property Chamber dated 8<sup>th</sup> March 2022. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 5 of the Private Housing (Tenancies) Act 2016, namely that the Applicant’s son was to move into the Property.
2. On 17<sup>th</sup> May 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 22<sup>nd</sup> June 2022 at 10am by teleconferencing.
3. On 17<sup>th</sup> June 2022 the Respondent’s solicitor lodged a submission. The Applicant emailed a response on 19<sup>th</sup> June 2022 though did not indicate that she would be attending the CMD.

4. The case was conjoined with case FTS/HPC/CV/21/1301

#### The Case Management Discussion

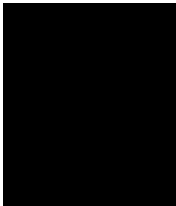
5. A CMD was held on 22<sup>nd</sup> June 2022 at 10 am by teleconferencing. The Respondent was present. The Respondent was represented by Ms Nicola Rylatt, solicitor, Lanarkshire Community Law Centre. The Applicant was not present. There was no explanation why she was not present or represented. At 10.30am the Tribunal dismissed the case as it was not clear that the Applicant wished to rely on the matters within the case.

#### Decision

6. The application was dismissed as it was not clear that the Applicant wished to rely on the case proceeding.

#### **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.**



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**Legal Member/Chair**

**22<sup>nd</sup> June 2022**  
\_\_\_\_\_  
**Date**