



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/22/1736

Re: Property at 12 Giffen Road, Saltcoats, KA21 5QX (“the Property”)

Parties:

Miss Fiona Nixon, Flat 2/1, 153 Garthland Drive, Glasgow, G31 2SQ (“the Applicant”) per her agents Rentolease, 52 Templehill, Troon, KA10 6BE (“the Applicant’s Agents”)

Ms Margaret McKeague, 64 Auchengarvie Road, Saltcoats, KA21 5RW (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of both Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application be refused and no order granted

1. By application dated 7 June 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for eviction and possession of the Property based on the Ground 4 of Schedule 3 to the Act that the Applicant as Landlord intends to live in the Property. The Application comprised a copy of the tenancy agreement between the Parties, copy letter by the Applicant stating that she intends to live in the Property, copy Notice to Leave in terms of Ground 4 of Schedule 3 to the Act and copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to North Ayrshire Council, being the relevant local authority.
2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 19 October 2022 at 14.00 by telephone conference. The CMD was intimated to the Parties and, in particular, to the Respondent by Sheriff Officers on 9 September 2022. The Sheriff Officer’s report stated that the Respondent had appeared to have vacated the property and resided at an alternative address in Saltcoats.

CMD and Decision

3. The CMD took place on 19 October 2022 at 14.00. Neither Party took part and neither was represented. Neither Party submitted written representations.
As the Tribunal had insufficient information before it to grant the Application, the Tribunal refused the Application and made no Order.

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.

K Moore

Legal Member/Chair

19 October 2022

Date