



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/22/3726

Re: Property at 440 Auchmill Road, Aberdeen, AB21 9NN (“the Property”)

Parties:

Solbud Property and Development Company Limited, 45 High Street, New Pitsligo, Fraserburgh, Aberdeenshire, AB43 6ND (“the Applicant”)

Miss Samantha Jolene Hendry, 440 Auchmill Road, Aberdeen, AB21 9NN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

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

Background

1. An application was received by the Housing and Property Chamber dated 20th July 2022. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent having not maintained her rent payments which resulted in Notice to Leave being issued on ground 12 of the Private Housing (Tenancies) Act 2016.
2. On 1st December 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 25th January 2023 at 10am by teleconferencing. The letter also requested all written representations be submitted by 22nd December 2022.
3. On 1st December 2022, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by a Certificate of Intimation dated 1st December 2022.

4. On 19th January 2022 Ms Simone Callaghan, Legal Executive, TC Young, emailed the Housing and Property Chamber to intimate their withdrawal from acting on behalf of the Applicant. It was noted that the intimation of the withdrawal from acting had been intimated upon the Applicant.
5. The case was conjoined with case FTS/HPC/CV/22/3726.

Case Management Discussion

6. A CMD was held on 25th January 2023 at 10am. By 10.20am neither the Applicant nor the Respondent were present. Neither had submitted representations that they would not attend the CMD. The Tribunal had insufficient information before it to grant the application or that it continued to be relied upon. The Tribunal refused the application. No order was granted.

Decision

7. The application was refused as neither party were present as such there was insufficient evidence to know that the application was still to be relied upon.

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.

25th January 2023

Legal Member/Chair

Date