



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/23/1392

Re: Property at 23 Charlestone Gardens, Cove, Aberdeen, AB12 3QF (“the Property”)

Parties:

Mr Mark Flippence, 10 Strathspey Gardens, Grantown on Spey, Morayshire, PH26 3GZ (“the Applicant”)

Mrs Tracey Woofing, 23 Charlestone Gardens, Cove, Aberdeen, AB12 3QF (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of both parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that in the absence of both parties the application be rejected as being frivolous or in terms of Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).

Background

1. By application dated 2 May 2023 the Applicant applied to the Tribunal for an order for eviction. The Application was accepted by the Tribunal on 29 June 2023.
2. On 8 August 2023 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 29 August 2023. By letter dated 8 August 2023 the Tribunal advised both parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 8 September 2023 at 2pm. The letter was sent to the Applicant by email on 8 August 2023 and served on the Respondent by Sheriff Officer on 9 August 2023. The Respondent did not make any representations.

Case Management Discussion

3. The Tribunal proceeded with the Case Management Discussion on 8 September 2023. There was no appearance by or on behalf of either the Applicant or the Respondent despite the Tribunal keeping the conference call line open until 2.15 pm.

Reasons for Decision

4. The Tribunal noted the terms of the letters to the both parties of 8 August 2023 that the Case Management Discussion would proceed on 8 September 2023 at 2pm. The Tribunal also noted that both parties were advised in the letters that the Tribunal could do anything at the Case Management Discussion which it could do at a hearing including making a decision on the application. The Tribunal further noted that parties were both advised that if they did not attend the Case Management Discussion this would not stop a decision or order being made by the Tribunal. The Tribunal was satisfied that both parties were aware that the Case Management Discussion would proceed on 8 September 2023.

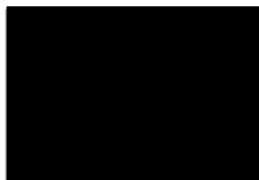
5. The Tribunal, in the absence of the Applicant and in the absence of the Respondent, had no information before it to determine whether there was a ground to evict and whether it was reasonable to do so.

Decision

6. The Tribunal rejected the application as being frivolous in terms of Rule 8 (1) of the Regulations.

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.



8 September 2023

Legal Member

Date