



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988.

Chamber Ref: FTS/HPC/EV/20/1853

Re: Property at 137 Dunholm Road, Dundee, DD2 4SE (“the Property”)

Parties:

Mr Graham Finlayson, 56 William Street, Tayport (“the Applicant”)

Miss Amber Louise Milne, 137 Dunholm Road, Dundee, DD2 4SE (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Applicant and Respondent)

- 1. The tribunal dismissed the application on the basis that there was no appearance by the applicant or his representative.**
2. This was a second case management discussion ‘CMD in connection with an application in terms of rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’. The applicant was represented by Miss Stacey Latham of BS Properties. The respondent did not attend and was not represented. The tribunal had sight of the sheriff officer’s execution of service of the application on the respondent at the first hearing. The notification of today’s CMD was sent by the tribunal by recorded delivery to the respondent on 12 November 2020. The applicant representative was also sent the notification from the tribunal by email. A first CMD took place on 29 October 2020 and was adjourned with a direction for the applicant to provide the following:
 - A copy of the completed s11 notice on the local authority.
 - An updated rent statement.

- Any documentation which was attached to the AT6 served on the respondent.

The said documentation should be lodged with the Chamber no later than close of business on 12 November 2020.

3. The documents were lodged by the applicant in accordance with that timescale.
4. In addition to these further documents the tribunal had before it the following copy documents:
 - (1) Application dated 2 September 2020.
 - (2) Tenancy agreement.
 - (3) Notice to quit.
 - (4) AT6.
 - (5) Rent statement.
 - (6) Sheriff officer's execution of service of 3 and 4.
 - (7) Updated rent statement.
 - (8) Exchange of text messages between applicant and respondent.

Preliminary matter

5. The tribunal noted that the applicant sent an email to the tribunal on 15 December 2020 stating that he was informed by a neighbour on 3 December 2020 that the respondent had left the property. It appears to the tribunal that the applicant may no longer require an eviction order. The tribunal was satisfied that the applicant's representative was aware of the CMD taking place today. In the absence of any appearance the tribunal dismissed the application.

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.

18 December 2020

Lesley A Ward Legal Member

Date