

**Notes on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/23/1003**

**Re: Property at 1/1 6 Drumlanrig Avenue, Easterhouse, Glasgow, G34 0HP (“the Property”)**

**Parties:**

**Mr Alexander Miller, 43 Hareleeshill Road, Larkhall, South Lanarkshire, ML9 2RB (“the Applicant”)**

**Mr John Begley, 1/1 6 Drumlanrig Avenue, Easterhouse, Glasgow, G43 0HP (“the Respondent”)**

**Tribunal Member:**

**Fiona Watson (Legal Member) and Frances Wood (Ordinary Member)**

**Summary of Discussion**

- Background
  1. An application dated 28 March 2023 was submitted to the Tribunal under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a repossession order against the Respondent upon termination of a short assured tenancy agreement.
- The Case Management Discussion
  2. A Case Management Discussion (“CMD”) took place on 31 July 2023 by conference call. The Respondent was represented by Ms Simpson, Solicitor at Govan Law Centre. There was no appearance by or on behalf of the Applicant. The Applicant’s representative had been notified of the date and time of the CMD by way of letter and email sent 19 June 2023. The Tribunal was accordingly satisfied that the Applicant, via their representative, had been duly notified of the date and time of the CMD and that the CMD could proceed in the Applicant’s absence.

3. Prior to the CMD, by email of 10 July 2023 the Respondent's representative advised the Tribunal administration that the Respondent no longer resides in the Property and had returned the keys to the Applicant. The Respondent was therefore seeking to have the application withdrawn as being no longer necessary. By email of 20 July, the Applicant's representative was sent a copy of the Respondent's email and asked to confirm if the application was still required and whether or not the CMD required to proceed. There was no response received from the Applicant's representative.
  - Reasons for Decision
4. The Tribunal was satisfied that, against the background set out by the Respondent's representative, that the Respondent had removed from the Property and that an eviction order was no longer necessary. The Tribunal found it entirely unsatisfactory that not only did the Applicant's representative fail to respond to an email from the Tribunal administration seeking further information on their application, but also failed to attend the scheduled CMD to either move, or seek withdrawal of, their own application.
  - Decision
5. The First-tier Tribunal for Scotland (Housing and Property Chamber) dismissed the application.

**NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.**

**Fiona Watson**

**Legal Member:**

**Date: 31 July 2023**