



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/21/2884

Re: Property at 77 Invercauld Road, Aberdeen, AB16 5RD (“the Property”)

Parties:

Mrs Anastasia Kerkesner, 12 Grandholme Way, Aberdeen, AB22 8AF (“the Applicant”)

Mr Kevin Taylor, formerly residing at 77 Invercauld Road, Aberdeen, AB16 5RD and whose present whereabouts are unknown (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member) and Melanie Booth (Ordinary Member)

Decision in absence of the parties

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.

Background

An application was submitted by the landlord dated 17 November 2021 by which the applicant sought an order for eviction of the respondent from the property.

The application was lodged in terms of section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

After sundry process a case management discussion (CMD) was set to take place on 18 February 2022 at 2.00 p.m.

The Case Management Discussion

The tribunal convened for the CMD on 18 February 2022. Neither of the parties attended.

It was then discovered that an email had been sent to the tribunal from the applicant's solicitor (Nicola Brown of Blackadders, Aberdeen) dated 01 February 2022 indicating that the respondent had vacated the property returned the keys to the landlord. The applicant's solicitor requested that the application be dismissed.

The tribunal accordingly dismisses the application at the request of the applicant in terms of rule 15 of First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and in terms of rule 17 of the said Regulations, determined that a final order should be made at the CMD.

Decision

The tribunal accordingly dismisses 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.

J Bauld

18 February 2022

Legal Member/Chair

Date