



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 19 of the Housing (Scotland) Act
1988**

Chamber Ref: FTS/HPC/EV/22/4236

Re: Property at Flat 3/2, 67 Bowman Street, Glasgow, G42 8LF ("the Property")

Parties:

Mrs Preeti Bhopal, 2 Mearnswood Place, Newton Mearns, Glasgow, G77 6BF ("the Applicant")

Mr Traian Lingurar and Mrs Magdalena Lingurar, both of Flat 3/2, 67 Bowman Street, Glasgow, G42 8LF ("the Respondents")

Tribunal Members:

Gillian Buchanan (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of the Applicant and the Respondents)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 20 March 2023, the Applicant was not in attendance nor was she represented. The Respondents were not in attendance either.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Applicant and the Respondents having received notice of the CMD and determined to proceed in their absence in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that:-

Background

On Monday 20 March 2023 at 11.07am just prior to the CMD the tribunal received from Carla McKenna, Lettings Administrator of G4 Properties Limited (the Applicant's representative) an email stating:-

"We would like to withdraw from this case and asked for it to be closed."

The tribunal's interpretation of the email was that the Applicant wished to withdraw her application (as opposed to the Applicant's representative simply withdrawing from acting for the Applicant). This view was reached having regard to the request for the case to be "closed".

Reasons for Decision

In that the Applicant therefore no longer sought an eviction order against the Respondents, the tribunal determined that the application should be refused and made an order to that effect.

Decision

The tribunal refused 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.

G Buchanan

Legal Member/Chair

20 March 2023
Date