



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/EV/19/1769

Re: Property at 12 Lees Court, Coatbridge, ML5 4NT (“the Property”)

Parties:

Mr Jim Murray, 12 Kenmore Way, Coatbridge, ML5 4FN (“the Applicant”)

Ms Nicola Jane Horan, 12 Lees Court, Coatbridge, ML5 4NT (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the parties)

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

Background and Reason for Decision

1. This is an application for an order for possession in relation to the Respondent’s occupation of the Property in terms of an assured tenancy. It called for case management discussion (‘CMD’) at 2pm on 29 October 2019. Neither party was present or represented.
2. By telephone, in advance of the CMD, the Applicant’s representative informed the Tribunal that the Respondent had left the Property and that it was his intention to withdraw the application. No written confirmation of this has been sent to the Respondent. Neither has any written confirmation been received by the Tribunal, despite this being asked for.
3. It is clear that the matter has resolved. The Tribunal is therefore bound to reject the application, in terms of Rule 8(1)(b) of the First-tier Tribunal for

Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules').

4. This notwithstanding, the Tribunal will take this opportunity to record its displeasure at the manner in which this has been handled by the Applicant's representatives, Trainor Alston Solicitors, Coatbridge. As qualified advisers, this firm would be expected to be aware of the requirements of Rule 15 of the Rules, regarding withdrawal of an application and to have followed that procedure correctly. This would have saved the trouble and expense of the CMD proceeding.

Decision

Rejected.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Nairn Young
Legal Member/Chair

29 OCTOBER 2019
Date