



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 36 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/PR/21/2862

Re: Property at 88 Glendinning Terrace, Galashiels, TD1 2JW (“the Property”)

Parties:

Mrs Arlene Caverhill, Bowland House Lodge, Bowland, Galashiels, TD1 1UJ (“the Applicant”)

Mr Stuart Townley, 3-8 Northcote Street, Edinburgh, EH11 2HL (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application in terms of Rule 27 of the 1st-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).

Reasons

1. On 17 November 2021 the applicant lodged an application with the tribunal under Rule 110, seeking an order for compensation for wrongful eviction. Following sundry procedure, the applicant amended the application to Rule 69.
2. Case Management Discussion’s (CMD’s) took place on 24 January and 18 March 2022, following upon which Notes on the Discussions were issued to the applicant by email and the respondent by recorded delivery on 25 March 2022.
3. Under the heading “Outcome” on the CMD Note the date and time of the CMD to take place on 28 April 2022 at 10:00 was provided.

4. On 1 April 2022 Notice of Intimation of CMD advising date and time of the CMD scheduled for 28 April 2022 at 10:00 and dial-in details for joining the call were sent to the applicant by email and to the respondent by recorded delivery mail.
5. On 28 April 2022 at 10:00 a CMD was convened by telephone. Neither party had attended by 10:15. The tribunal was satisfied that both parties had been duly advised of the date and time of the CMD as well as full joining instructions. Accordingly, the tribunal determined to dismiss 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.

David Preston

Legal Member/Chair

28 April 2022

Date