



**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**

**Chamber Ref: FTS/HPC/EV/23/3715**

**Re: Property at 67 Carlowrie Place, Gorebridge, EH23 4XP (“the Property”)**

**Parties:**

**Mrs Elaine Collins, 9 Cleuch Avenue, North Middleton, EH23 4RP (“the Applicant”)**

**Ms Megan Ward, 67 Carlowrie Place, Gorebridge, EH23 4XP (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mr D MacIver (Ordinary Member)**

**Decision (in absence of the Applicant and the Respondent)**

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

**Background**

1. This is a Rule 109 application made in the period between 19<sup>th</sup> October and 31<sup>st</sup> December 2023. The Applicant was seeking an eviction order under ground 1A. The Applicant lodged copies of two private residential tenancies. The initial PRT, which was between the parties and a further joint tenant, commenced on 2<sup>nd</sup> November 2020. The second PRT between the parties commenced on 1<sup>st</sup> December 2022. The Applicant also lodged a home report, evidence of financial hardship, a section 11 notice with evidence of service, a Notice to Leave, correspondence from the Respondent, and representations regarding the validity of the Notice to Leave.
2. Notification of a Case Management Discussion was made upon the Applicant by email dated 27<sup>th</sup> February 2022.
3. Notification of the application and Case Management Discussion was made upon the Respondent by Sheriff Officers on 28<sup>th</sup> February 2022.

## **The Case Management Discussion**

4. A Case Management Discussion (“CMD”) took place by telephone conference on 5<sup>th</sup> April 2024. There was no appearance by either party. The Tribunal delayed the start of the CMD to allow parties to join, but neither party did so.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied in respect of both parties.
6. The Tribunal considered the terms of Rule 27(2)(b), and decided that the Applicant, by failing to attend, had failed to co-operate with the Tribunal to such an extent that it was unable to deal with the proceedings justly and fairly.
7. The Tribunal observed that, given the issues previously raised in relation to the validity of the Notice to Leave, it may have had some difficulty in granting an order in those circumstances.

## **Decision**

8. The application is dismissed.

## **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.**

**Helen Forbes**

**Legal Member/Chair**

**5<sup>th</sup> April 2024**  
**Date**