

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/18/0190**

**Re: Property at 18 Livingston Drive, Airdrie, ML6 7LR (“the Property”)**

**Parties:**

**Smart Move Estate Agents (Scotland) Limited, Ladywell Business Centre, 94 Duke Street, Glasgow, G4 0UW (“the Applicant”)**

**Miss Kirsty Leitch , 18 Livingston Drive, Airdrie, ML6 7LR (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

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

**Background**

The Applicant submitted an application seeking an order to evict the Respondent from the property at 18 Livingston Drive, Airdrie, ML6 7LR. The Tribunal intimated the application to the Respondent on 19<sup>th</sup> March 2018 and advised her of the date, time and place of the case management discussion assigned for 11<sup>th</sup> April 2018. In that letter, the Respondent was advised that any written representations she wished to make should be sent to the Tribunal by 5<sup>th</sup> April 2018. No written representations were received by the Tribunal. The Applicant’s representative emailed the Tribunal on 5<sup>th</sup> April 2018 advising that he was unable to attend on 11<sup>th</sup> April 2018 and requested an alternative date. The Tribunal postponed the case management discussion to today’s date. A letter was issued to both parties dated 1<sup>st</sup> May 2018 advising them of the date, time and place of today’s case management discussion.

### The Case Management Discussion

There was no appearance by either party at the case management discussion.

### Reason for Decision

The Tribunal intimated details of today's case management discussion to both parties. The Applicant's representative asked the Tribunal to rearrange an earlier case management discussion so that the representative could attend. In the absence of either party, the Tribunal dismissed the application for want of insistence.

### 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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

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Legal Member/Chair

19.06.2018  
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Date