



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/EV/18/1349

Re: Property at 43c North High Street, Musselburgh, EH21 6JA (“the Property”)

Parties:

**Mr Stephen Banks, Ms Madeline Smith, 74 New Street, Musselburgh, EH21 6JQ
 (“the Applicant”)**

**Mr Craig Whyte, 43c North High Street, Musselburgh, EH21 6JA (“the
 Respondent”)**

Tribunal Members:

Fiona Watson (Legal 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 shall be dismissed.**

- Background

An application was submitted under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, dated 29 May 2018. The Application was submitted on behalf of the Applicant by the Applicants’ letting agent, TSG Lettings.

- The Case Management Discussion

A Case Management Discussion took place on 31 August 2018. There was no appearance by either party. Prior to the Case Management Discussion, TSG Lettings had notified the Tribunal office by email that they would not be representing the Applicants at the Case Management Discussion. The papers were thereafter sent out to the Applicants directly by the Tribunal office and notification given to them of the date of the Case Management Discussion.

Following the non-appearance by either party, the Tribunal clerk called the Applicant directly and spoke with Madeline Banks. Ms Banks advised the Clerk that the Applicants no longer wished to proceed with the application as the tenant had vacated the property and they would not be attending the Case Management Discussion.

- Decision

The Tribunal dismissed 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.

F Watson

Legal Member/Chair

31/8/18.
Date