



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/23/1588

Property : 31 Talisker Avenue, Kilmarnock KA3 1QZ (“Property”)

Parties:

Joan McLaughlin (Executrix of Brendan McLaughlin) 251 Old Castle Road, Cathcart, Glasgow G44 5EZ (“Applicant”)

Lime Green Estate Agents, 14 the Cross, Prestwick KA9 1AJ (“Applicant’s Representative”)

Zahra Siddiqui, 31 Talisker Avenue, Kilmarnock KA3 1QZ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to dismiss the Application.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Private Residential Tenancy Agreement dated 24 June 2022; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 30 January 2023 ("Notice to Leave"); sheriff officer execution of service of the Notice to Leave on 30 January 2023; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 17 May 2023; letters from Cameron Pinkerton & Co dated 5, 18 and 19 January 2023 regarding the sale of the Property; death certificate confirming the death of Brendan McLaughlin on 13 July 2022 and sheriff officer's execution of service certifying service of the Application on 31 August 2023.

Case Management Discussion

A case management discussion (“CMD”) was scheduled to take place before the Tribunal on 11 October 2023 by teleconference. Neither the Applicant’s Representative or the Respondent was in attendance. The clerk to the Tribunal contacted the Applicant’s Representative who advised that the Respondent had vacated the Property and the Applicant wished to withdraw the Application.

Reasons for the Decision

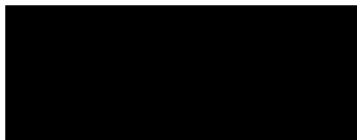
As the Respondent has vacated the Property and the Applicant wishes to withdraw the Application, the Tribunal determined to dismiss the Application.

Decision

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.



**Joan Devine
Legal Member**

Date : 11 October 2023