



**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/22/3969**

**Re: Property at 21 Union Street, Larkhall, ML9 1DX (“the Property”)**

**Parties:**

**Mr Sukhdeep Narwan, 4 Woodlands Gardens, Carmunnock, Glasgow, G76 9AF (“the Applicant”)**

**Sharon Elizabeth MacDonald, 21 Union Street, Larkhall, ML9 1DX (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Leslie Forrest (Ordinary Member)**

**Decision (in absence of both parties)**

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

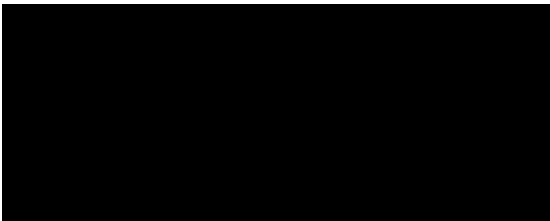
**STATEMENT OF REASONS**

1. This case called for a Hearing by teleconference on 20 June 2023. Neither party attended the Hearing.
2. This is an Application for an eviction order. The Application previously called for a Case Management Discussion on 15 March 2023, at which time the Tribunal raised a number of issues with the Applicant relating to whether it was reasonable to grant the order. The CMD note sets those matters out in detail. There was no apparent dispute that the Respondent was in rent arrears, and had been for some time. However, the rent had been paid in full and on time each month since December 2021, albeit without any payments to address the arrears. The purpose of the Hearing was to allow the Applicant to lead such evidence as he wished in order to address whether it was reasonable to grant an eviction order.

3. However, neither party attended the Hearing. The onus is on the Applicant to persuade the Tribunal that it is reasonable to grant the eviction order in this case. In the all of the circumstances, absent evidence and submissions from the Applicant in support of the Application, the Tribunal is not satisfied that it is reasonable to grant an eviction order. The Tribunal unanimously refused 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.**



**Legal Member/Chair**

**20/06/2023**

**Date**