Housing and Property Chamber
First-tier Tribunal for Scotland

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Under section 51 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/20/1684

Re: Property at 23 Sprotwell Terrace, Sauchie, Clackmannanshire, FK10 3LB ("the Property")

Parties:

Miss Siu Yi Madeleine Yeung, 26 Wilson Drive, Hawick, Roxburghshire, TD9 8HP ("the Applicant")

Mr Kieran Barclay, 23 Sprotwell Terrace, Sauchie, Clackmannanshire, FK10 3LB ("the Respondent")

Tribunal Members:

Gabrielle Miller (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 is refused and the case dismissed.

Background

1. An application was received by the Housing and Property Chamber on 7th August 2020. It was dated 6th August 2020. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations"). The application was based on the Respondent not maintaining rent payments.

2. The case was conjoined with case FTS/HPC/EV/20/1684 which pertained to an case for eviction.

3. A Case Management Discussion ("CMD") was held by teleconferencing on 15th December 2020. The case was continued to allow the Applicant to provide an accurate and up to date rent account. In addition to this it was raised at the

CMD with the Applicant that the Notice to Leave ("NTL") had allowed a longer date than the 28 days notice which would suggest that the NTL was invalid. The CMD was also continued to allow the Applicant to consider her position regarding this point. The Respondent was not present.

4. A further CMD was fixed for 8th February 2021 at 10 am by teleconferencing. No further documentation or submissions were lodged prior to the hearing date.

5. On 18th December 2020, all parties were written to with the date for the Case Management Discussion ("CMD") of 8th February 2021 at 10am by teleconferencing.

The Case Management Discussion

1. A CMD was held on 8th February 2021 at 10am by teleconferencing. Neither party attended the hearing. The Tribunal waited until 10.15am. No submissions or further documentation was received by either party. In particular the Applicant had not addressed the issues raised in the previous CMD on 15th December 2020.

2. The Tribunal considered that no further information had been given and no party had attended to address the points raised in the previous CMD. The Tribunal presumed that the application was no longer relied upon.

Findings and reason for decision

6. A Private Rented Tenancy Agreement commenced 21st June 2019.

Decision

7. The application is refused and the case 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.

Gabrielle Miller — **8th February 2021**

Legal Member/Chair — **Date**