



**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/23/1754**

**Re: Property at 44 1/R Nelson Street, Largs, Ayrshire, KA30 9AE (“the Property”)**

**Parties:**

**Mrs Ruth Campbell, 3 Foxes Green, Orsett, Essex, RM16 3JH (“the Applicant”)**

**Mr Gary Cassidy, 44 1/R Nelson Street, Largs, Ayrshire, KA30 9AE (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Applicant)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-**

At the Case Management Discussion (“CMD”), which took place by telephone conference on 26 September 2023, the Respondent was in attendance. The Applicant was neither present nor represented. The CMD was due to commence at 2.00pm. However, the Tribunal delayed commencing the CMD until 2.13pm to allow the Applicant and her representative additional time to join the conference call.

There was no explanation for the Applicant’s non-attendance nor the absence of the Applicant’s representative. Previously by email dated 21 August 2023 the Applicant’s representative had requested a postponement of the CMD due to her annual leave between 22 September and 9 October 2023. The Tribunal refused the postponement request and the Applicant’s representative was so advised by email of the Tribunal dated 5 September 2023.

The Tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Applicant having received notice of the CMD and determined to proceed in the absence of the Applicant in terms of Rule 29.

Prior to the CMD the Tribunal had received representations from the Respondent by email dated 8 September 2023.

### **The CMD**

The Respondent confirmed that he was aware of the previous postponement request made by the Applicant's representative. He had also received notification that the postponement request had been refused by the Tribunal.

During the CMD the Tribunal sought confirmation from the Tribunal Clerk that the Applicant's agent had received intimation of the postponement request being refused and it was confirmed this had taken place by email on 5 September.

The discussions ended at 2.19pm by which time neither the Applicant nor the Applicant's representative had joined the call.

### **Reasons for Decision**

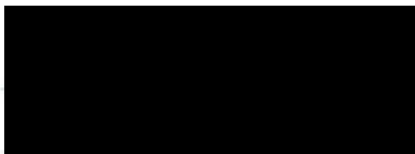
In the absence of the Applicant and/or her representative to pursue the Application, the granting of an eviction order could not be further considered. The tribunal therefore refused the Application.

### **Decision**

The Tribunal 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.**



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**Legal Member/Chair**

**26 September 2023**  
**Date**