



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/22/1779**

**Re: Property at 6 Glenburn Gardens, Whitburn, EH47 8NL (“the Property”)**

**Parties:**

**Mrs Gillian Rutherford, Mr Clive Brack, 6 Newlands, Kirknewton, EH27 8LR; 16 Bridgend, Duns, Berwickshire, TD11 3ER (“the Applicant”)**

**Ms Betty Lee, 6 Glenburn Gardens, Whitburn, EH47 8NL (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Elizabeth Williams (Ordinary Member)**

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

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

**Reasons for Decision**

- 1 The Applicant submitted an application to the Tribunal seeking an eviction order under section 33 of the Housing (Scotland) Act 1988. The application was accepted and a copy of the paperwork was served upon the Respondent by Sheriff Officers.
- 2 The first Case Management Discussion took place on 28 February 2023. Neither party was in attendance. The Tribunal Clerk contacted the second named Applicant by telephone who confirmed that the Respondent had vacated the property and he did not intend on attending the Case Management Discussion as a result. The Case Management Discussion was therefore adjourned to a date to be assigned.
- 3 The Applicant was directed to provide confirmation in writing to the Tribunal that they wished to withdraw the application, failing which the Tribunal would schedule a further Case Management Discussion at which the Applicant would

be expected to attend. The Tribunal required written confirmation that the application does not require to proceed prior to ceasing any further procedure.

- 4 No response was received from the Applicant. A second Case Management Discussion took place on 31<sup>st</sup> May 2023. Neither party was in attendance. The Tribunal therefore determined to dismiss the application for want of insistence.
- 5 The decision of the Tribunal was unanimous.

### **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.**

**Ruth O'Hare**

31 May 2023

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**Legal Member/Chair**

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**Date**