



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/22/2398

Re: Property at 19 Clepington Street, Dundee, DD3 7PU (“the Property”)

Parties:

Professor Lennox Dunbar, West Denmore, Auchnagatt, Ellon, Aberdeenshire, AB41 8TP (“the Applicant”)

Miss Kelly Bain, 19 Clepington Street, Dundee, DD3 7PU (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order.

Background

The Applicant seeks an Eviction Order in terms of s33 of the Act. The Application is accompanied by a copy of the tenancy agreement, the s33 notice relied on together with a notice to quit and proof of service. There is also evidence of compliance with s11 of the Homelessness (etc) (Scotland) Act 2003.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 7 February 2023. The Applicant was personally present. There was no

appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been competently served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent. The Tribunal heard from the Applicant regarding the Application and discussed the reasonableness or otherwise of granting the Application. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant let the Property to the Respondent on a Short-Assured Tenancy that commenced on 26 June 2017;*
- II. *The Applicant served a notice under s33 of the Act together with a Notice to Quit on the Respondent on 13 December 2021;*
- III. *The Notice to Quit and the s33 Notice called upon the Respondent to vacate the Property by 26 June 2022. This provided the Respondent with the correct statutory period of notice and tied in with the ish date of the tenancy;*
- IV. *The Respondent failed to vacate the Property;*
- V. *The Applicant has complied with s11 of the Homelessness (Etc) (Scotland) Act 2003;*
- VI. *The Respondent is thought to reside in the Property with five children. The Respondent has fallen into rent arrears and currently owes the Applicant around £3,000.00 as rent arrears. The Respondent has failed to engage with the Tribunal process.*
- VII. *It is reasonable that an Eviction Order is granted.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made an Eviction Order.

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

7 February 2023

Date