



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/23/1599

Re: Property at 7 Roman Road, Kirkintilloch, G66 1EE (“the Property”)

Parties:

Mr Michael Baylis, Mrs Ann Baylis, 4048 Spring Drive, Carson City, Nevada, 89701, United States (“the Applicants”)

Mr Brian Paul, 7 Roman Road, Kirkintilloch, G66 1EE (“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”) granted the Application and made an Eviction Order.

Background

[1] The Applicant seeks an Eviction Order under section 33 of the Act. The Application is accompanied by: a copy of the relevant tenancy agreement; the notice to quit and notice under section 33 of the Act; proof of service of the notices and evidence of compliance with s11 of the Homelessness (etc) (Scotland) Act.

The Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 31 October 2023, The Applicants were represented by Ms O’Neil of Coda

Estates Ltd. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call was served on the Respondent by Sheriff Officers. Accordingly, the Tribunal decided to proceed in the absence of the Respondent.

[3] Having heard from Ms O'Neil, the Tribunal made the following findings in fact,

Findings in Fact

- I. The Applicants and the Respondent entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Short Assured Tenancy within the meaning of the Act;
- II. The Applicants have competently ended the tenancy under section 33 of the Act;
- III. The Respondent remains in occupation of the Property along with his wife and two school age children;
- IV. The Respondent has failed to engage with the Tribunal process;
- V. There is nothing before the Tribunal that suggests that it is unreasonable to grant the order sought.

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal grants the Application and makes 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.

Andrew McLaughlin

Legal Member:

Date: 31st of October 2023