



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/23/1230

Re: Property at 3 Rowan Grove, Fraseburgh, AB43 9AG (“the Property”)

Parties:

Mr George Thomson, Margaret Thomson, 5 Randolph Terrace, Stirling, FK7 9AA (“the Applicants”)

Mr Mark Burnett, 24 Whinhill Terrace, Banff, AB45 1ET (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicants submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order to evict the Respondent from the property.
2. By decision dated 1 August 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal intimated the application to the parties by letter of 5 October 2023 and advised them of the date, time and conference call details of today’s CMD. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the

procedure to have been fair. The Respondent was invited to make written representations by 26 October 2023. No written representations were received from the Respondent.

The case management discussion

4. The CMD took place by conference call. The First Applicant joined the conference call and represented himself and his wife. The Respondent failed to join the conference call and the discussion proceeded in his absence. The Applicants received a letter from the local authority advising them that a quantity of drugs was removed from the property. The Applicants take their responsibility as landlord seriously. The Applicants made this application for eviction of the Respondent as a result of his antisocial behaviour. Police officers have forced entry on 3 occasions. The property has been broken into, which has resulted in damage. The windows to the property have remained boarded up since the break in. The Applicants believe these incidents are related to the Respondent's involvement in illicit drugs. The property is a ground floor flat and the garden has rubbish and debris in it. The building superintendent, who is employed by the co-proprietors, has received complaints about the Respondent and the condition of the property. The Applicants have received emails from the Respondent asking when he should leave the property.

Findings in Fact

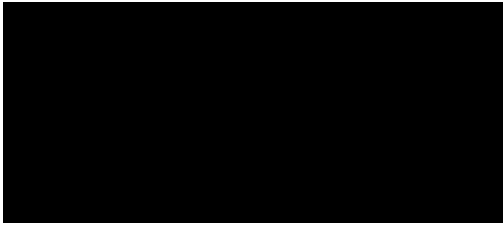
5. The parties entered into a private residential tenancy which commenced 2 July 2020.
6. The Applicants served the Notice to Leave on the Respondent by email on 11 March 2023.
7. The Respondent has engaged in antisocial behaviour.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to make any written representations and failed to participate in the CMD. The application is therefore not opposed. The information before the Tribunal was that a quantity of drugs was removed from the property in October 2022. The Police executed 3 warrants to enter the property and there was a break in at the property which the Applicants believe is connected to illicit drugs. The Tribunal was satisfied that ground 14 of the Act was established and that it was reasonable to grant the order evicting the Respondent from the property.

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

31 October 2023

Date