



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/23/2715

Re: Property at Flat 2/M, 16 Boyd Street, Largs, KA30 8LD (“the Property”)

Parties:

Miss Claire Melvin, Elbury, Clements Road, Walton-On-Thames, KT12 3LY (“the Applicant”)

Mr Craig Ellingham, Flat 2/M, 16 Boyd Street, Largs, KA30 8LD (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order Section 33 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to quit and notice under Section 33 of the Act relied on with proof of service and the notice under section 11 of the Homelessness (etc) (Scotland) Act 2003

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 7 November 2023. The Applicant was represented by Ms Val West. There was no appearance by or on behalf of the Respondent.

[4] The Application and information about how to join the conference call had been competently served on the Respondent by Sheriff Officers. Accordingly, the Tribunal decided to proceed in the absence of the Respondent. The Tribunal carefully discussed the substance of the Application with Ms West and considered the reasonableness or otherwise of the order sought. Having heard representations and having considered the whole circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Short-Assured Tenancy Agreement within the meaning of the Act.*
- II. *The Applicant competently served a notice to quit and notice under Section 33 of the Act on the Respondent ending the tenancy and calling upon the Respondent to vacate the Property. The Respondent has failed to do so.*
- III. *The Respondent has not engaged with the Tribunal process.*
- IV. *It is reasonable to grant the Eviction Order.*

Decision

[5] Having made the above findings in fact, the Tribunal granted 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

7 November 2023
Date