



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/23/1430

Re: Property at 5 Earlsdon House, Southesk Street, Brechin, DD9 6DY (“the Property”)

Parties:

A F Murray & Co, Unthank Stores, Trinity, Brechin, DD9 7PB (“the Applicant”)

Mr Kenneth Wilson, Mrs Malissa Wilson, 5 Earlsdon House, Southesk Street, Brechin, DD9 6DY (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

Background

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondents from the property.
2. A case management discussion (“CMD”) took place on 14 September 2023. The Tribunal issued a note and notice of direction following that CMD.

The case management discussion

3. The CMD took place by conference call. The Applicant was represented by Mr Gair Couston and was joined by Mr Alexander Murray. The Respondents joined the call and represented themselves. The Applicant’s representative moved for an order for eviction to be granted. The Respondents confirmed that they remained unopposed to the eviction order being granted.

Findings in Fact

4. The parties entered into a private residential tenancy which commenced 26 May 2022.
5. The Applicant served Notice to Leave on the Respondents by personal service 22 March 2023.
6. The Respondents breached a term of the tenancy agreement.

Reason for Decision

7. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents were not opposed to an eviction order being granted. The Tribunal was satisfied that ground 11 had been established and that it was reasonable to grant the order sought.

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.

Nicola Irvine

Legal Member/Chair

24 November 2023

Date