



**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/22/2189

Re: Property at 9 Victoria Street, Montrose, Angus, DD10 8JR (“the Property”)

Parties:

**C/O Thyme Property Developments Ltd, 62 New Wynd, Montrose, Angus, DD10
8RF (“the Applicant”)**

Mr Derek Inglis, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

- Background

This is an application for an eviction order in relation to the Respondent's alleged abandonment of the Property, which he lets in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion ('CMD') at 2pm on 6 October 2022, by teleconference. The Applicant was represented on the call by Mr Lawson of MML Legal, solicitors. The Respondent was not on the call or represented.

- Findings in Fact

1. The Respondent lets the Property from the Applicant on the basis of a private residential tenancy with a commencement date of 20 June 2019.
2. The Respondent is no longer residing in the Property.
3. There has been no failure on the part of the Applicant to meet the requirements of Chapter 4, Part 1 of the Housing (Scotland) Act 2006, regarding the repairing standard.
4. The Applicant is not receiving any rent for the Property during the period it is lying empty.

- Findings in Fact and Law

5. The Respondent is not occupying the Property as his only or principal residence.
6. The failure to occupy the Property is not as a result of any failure on the part of the Applicant to observe the requirements of Chapter 4, Part 1 of the Housing (Scotland) Act 2006.
7. It is reasonable to grant an eviction order.

- Reasons for Decision

8. The Applicant has made out ground 10 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 and, in particular, has satisfied the Tribunal that it is reasonable to grant the order sought.

- Decision

Eviction order granted.

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.

Nairn Young

6 October 2022

Legal Member/Chair

Date