



**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/23/1307**

**Re: Property at 7 Butlers Place, Eliburn, Livingston, West Lothian, EH54 6TD (“the Property”)**

**Parties:**

**Mr Alistair Stocks, 36369 Belle Savanne Avenue, Geismar, Louisiana, 70734, United States (“the Applicant”)**

**Mr Jaroslaw Galka, Mrs Chiraporn Galka, 7 Butlers Place, Eliburn, Livingston, West Lothian, EH54 6TD (“the Respondents”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.**

**Background**

1. An application was received by the Housing and Property Chamber dated 25<sup>th</sup> May 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondents being in breach of contract of in terms of the tenancy as under ground 11 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 4<sup>th</sup> July 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 11<sup>th</sup> August 2023 at 10am by

teleconferencing. The letter also requested all written representations be submitted by 25<sup>th</sup> July 2023.

3. On 5<sup>th</sup> July 2023, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondents by letterbox service. This was evidenced by Certificate of Intimation dated 5<sup>th</sup> July 2023.
4. On 21<sup>st</sup> July 2023 the Respondents emailed the Housing and Property Chamber twice to advise that they had been trying to get representation and that they would not be able to attend the CMD as they were in Thailand with limited ability to dial in from there. The Tribunal granted the postponement request.
5. On 28<sup>th</sup> August 2023. all parties were written to with the date for the Case Management Discussion (“CMD”) of 5<sup>th</sup> October 2023 at 10am by teleconferencing.

#### The Case Management Discussion

6. A CMD was held on 5<sup>th</sup> October 2023 at 10am by teleconferencing. The Applicant was present and represented himself. The Respondents were present and represented themselves. The First Named Respondent spoke on behalf of both Respondents.
7. The Applicant said that he was seeking an order for eviction.
8. The First Named Respondent said that he was not looking to cause any issues for the Applicant. He was not opposing an order being granted. He did think that the Respondents did not deserve this. He was concerned about where they were going to live as they have not been able to secure a new property at this stage. The First Named Respondent said that he does want to move. He has been in contact with the local authority but does not want to be rehoused by them as he can afford to rent a private tenancy and feels that he is taking a property from someone who is homeless. He will contact them once he has received the Tribunal’s decision. The First Named Respondent said that he had tried to get Shelter Scotland and Citizens Advice Bureau to represent him but both of them said that they had a 6 month waiting list. He did get some advice from Shelter Scotland. The Tribunal noted that if an order was granted that the Order would not be able to be served until the end of March 2024. The First Named Respondent said that the Respondents would be able to find an alternative property in that time period. The Tribunal confirmed with him again regarding his position. He confirmed that the Respondents were not opposing the granting of an order for eviction.
9. The Tribunal was satisfied that given there was no opposition to an order being granted that there were no issues of reasonableness before them. The Tribunal granted an order for eviction.

### Findings and reason for decision

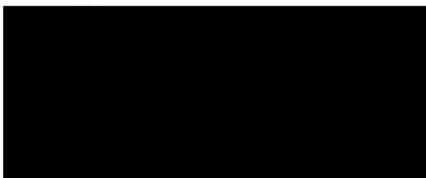
10. A Private Rented Tenancy Agreement commenced 19<sup>th</sup> November 2019.
11. Photographic evidence was submitted that the Respondents had been in breach of contract.
12. The Respondents do not oppose an order being granted.
13. The Respondents are seeking alternative accommodation.

### Decision

14. The Tribunal found that ground 11 has been established and granted an order for eviction.

### **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.**



**5<sup>th</sup> October 2023**

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**Legal Member/Chair**

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**Date**