



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/21/1204

Re: Property at 23 Sighthill Terrace, Edinburgh, EH11 4PQ (“the Property”)

Parties:

Gauld Properties Ltd, 22 Milnpark Street, Glasgow, G41 1BB (“the Applicant”)

Ms Annette Barnett, 23 Sighthill Terrace, Edinburgh, EH11 4PQ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

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 seeking an order to evict the Respondent from the property. The Tribunal issued a letter to the parties dated 16 August 2021 advising them of the date, time and conference call details of today’s case management discussion. 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 6 September 2021. No written representations were received by the Tribunal.

The Case Management Discussion

- [2] The Applicant was represented by Miss Stewart of Gauld Properties Limited. The case management discussion proceeded in the absence of the Respondent.
- [3] The Tribunal noted that there were no written representations made by the Respondent and the Tribunal was therefore unaware of the Respondent's position. The Applicant's representative advised that a resident in a neighbouring property recently reported that the Respondent appeared to be in the process of vacating the property. The Applicant's representative made contact with the Respondent on 14 September 2021 and was told by the Respondent that she was in the process of moving out of the property and would leave the keys in a key safe. As far as known to the Applicant's representative, the keys have not yet been left by the Respondent.
- [4] The Applicant's representative moved the Tribunal to grant an order for eviction today and relied upon the documentation already lodged. The Tribunal noted that there is a letter from Police Scotland which lists details of a number of incidents at the property this year. There is also a typewritten summary of incidents of antisocial behaviour at the property. The Applicant sought the order for eviction on the basis of ground 14 of schedule 3 of the 2016 Act. It was submitted that it was reasonable in all the circumstances for the Tribunal to grant the order for eviction.

[5] **Findings in Fact**

- i. The parties entered into a Private Residential Tenancy Agreement which commenced 30 October 2020.
- ii. The Applicant served Notice to Leave by recorded delivery post on 13 April 2021.
- iii. The Respondent engaged in antisocial behaviour at the property on numerous occasions within the last 12 months.

Reason for Decision

- [6] The Tribunal proceeded on the basis of the written documents which were before it and the submissions made at the case management discussion. The Respondent was given an opportunity to provide written representations to the Tribunal; she failed to do so and she failed to participate in the case management discussion. The Applicant invited the Tribunal to make the Order sought. The Applicant relied upon Ground 14 of Schedule 3 of the 2016 Act. The Notice to Leave had been served. The Tribunal was satisfied that Ground

14 had been established, and that it was reasonable in all the circumstances to grant the order sought. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

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.

N. Irvine

Legal Member/Chair

Date **16 September 2021**