

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988 (Act)**

**Chamber Ref: FTS/HPC/EV/19/2040**

**Re: Property at 40 Grampian Avenue, Paisley, PA2 8DW (“the Property”)**

**Parties:**

**Mrs Alison Ross, Dumgreen Cottage, Old Greenock Road, Bishopton, PA7 5NT (“the Applicant”)**

**Miss Stacey Sweetin, 40 Grampian Avenue, Paisley, PA2 8DW (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision (in absence of the Respondent)**

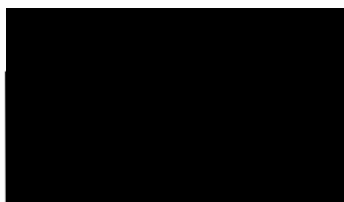
**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.**

**Background**

This is an application for eviction and recovery of possession in respect of the Property under section 18 of the Act and Rule 65 of the Tribunal procedure Rules. The application seeks recovery of possession under Ground 13 of Schedule 5 to the Act.

The Tribunal had regard to the following documents:

1. Application received 3 July 2019;
2. Short Assured Tenancy (**SAT**) commencing 12 September 2013;
3. AT5 dated 25 August 2013;
4. Section 33 notice dated 1 May 2019;
5. Notice to Quit dated 1 May 2019;
6. Section 11 Notice;



7. AT6 dated 1 May 2019;
8. Certificate of Delivery of AT6 signed by the Applicant and Respondent dated 1 May 2019;
9. Letter from Respondent dated 13 August 2019 confirming receipt of Section 33 Notice, Notice to Quit and accepting termination of the SAT;
10. Letter of 2 July 2019 from Abbey Services providing quotation for repairs to the Property;
11. Letter from Renfrewshire Council dated 21 May 2019 complaining about debris being built up in the garden;
12. Letter from Applicant to Respondent dated 17 April 2019 requesting removal of rubbish and debris and advising that failure to do so will be in breach of the SAT;
13. Photographs of the Property showing internal damage; and
14. Certificate of Service of CMD Notification by Sheriff Officers dated 7 October 2019.

### **Case Management Discussion (CMD)**

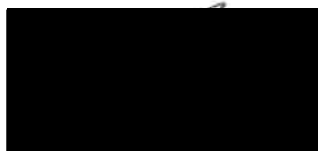
The case called for a CMD on 4 November 2019. The Applicant was present but not represented. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had been notified of the CMD by reference to the Sheriff Officer's certificate of service. The Respondent was aware that the Tribunal could proceed in her absence and make a Decision if satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered in to an SAT commencing 12 September 2013 in respect of the Property;
2. The Respondent had allowed rubbish and debris to accumulate outside the Property in April and again in May 2019 which was in breach of the SAT;
3. The Local Authority and the Applicant had written to the Respondent regarding the rubbish and debris which was in breach of the SAT;
4. The letter of 17 April 2019 gave the Respondent notice to remedy her breach of the SAT failing which eviction proceedings would be initiated;
5. The Respondent had failed to remedy her breach and persisted with the accumulation of rubbish and debris outside the Property;
6. The Property suffered internal damage as evidenced by the Photographs and the quote for repairs from Abbey Services;
7. AT6 was served on 1 May 2019 detailing that eviction proceedings would be raised for breach of the SAT under Ground 13;
8. Notice to Quit was served on 1 May 2019;
9. The Respondent wrote on 13 August 2019 confirming that she had received the various notices and accepting termination of the SAT;
10. Section 11 Notification had been made to the local authority.

The Tribunal considered Ground 13 of Schedule 5 to the Act. It was clear that the Respondent had breached the terms of the SAT. In particular, she had breached clauses 4.2, 4.5, 4.7, 4.9, 9.2-3 of the SAT.



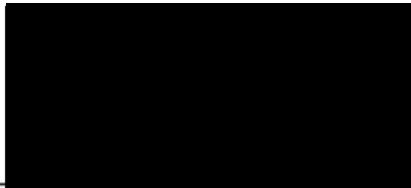
She had been put on notice by the Applicant's letter to her of 17 April 2019 that if she did not remedy her breaches then she would be evicted.

The Tribunal was satisfied that the Ground for eviction had been made out and that it had sufficient information upon which to make a Decision. The Tribunal was satisfied the Procedure was fair.

The Tribunal granted the order for eviction and recovery of possession.

### **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.**



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**Legal Member/Chair**

**4 November 2019**

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**Date**