



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/23/0303

Re: Property at 102 Strathmartine Road, Flat 1/L, Dundee, DD3 7SF (“the Property”)

Parties:

Mr Alexander Ingles, c/o Tay Letting, 8 Eagle Street, Glasgow G4 9XA (“the Applicant”)

Miss Louise Williamson, 102 Strathmartine Road, Flat 1/L, Dundee, DD3 7SF (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

The Applicant is the Landlord and the Respondent the tenant under a private residential tenancy agreement in respect of the Property dated 15 May 2019. The Applicant seeks an order for eviction of the Respondent on the grounds of her anti-social behaviour.

The Case Management Discussion

A Case Management Discussion took place by teleconference on 12 May 2023. The Respondent did not attend. The Tribunal was satisfied that notice of the hearing had been given to the Respondent. The Applicant was represented by David Gibb, his letting agent. Mr Gibb sought that an eviction order was granted. He reported a

history of anti-social behaviour as per the documents accompanying the application. He reports that complaints about the Respondent's behaviour are continuing to be received.

Findings in Fact

The Applicant is the Landlord and the Respondent the tenant under a private residential tenancy agreement in respect of the Property dated 15 May 2019.

The Respondent has engaged in behaviour which has caused nuisance and distress to her neighbours. She has engaged repeatedly in hosting parties with excessive noise and disturbance.

The Respondent's guests have been disruptive to neighbours including by breaking the common entrance door.

The Applicant's letting agent has received repeated complaints from neighbours and via the local authority. The Applicant's letting agent has warned the Respondent in relation to her anti-social behaviour but it has continued unabated.

Reasons for Decision

The Applicant has presented credible evidence of the Respondent's behaviour over a significant course of time. This includes complaints made by neighbours and from the local authority. The behaviour is of the kind mentioned in Paragraph 14 of Schedule 3 to the 2016 Act. No contrary evidence has been presented. In the circumstances, it would be reasonable to make the order sought.

Decision

An order for possession of the Property will be made in favour of the Applicant.

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.

12/05/2023

Legal Member/Chair

Date