



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/0111

Re: Property at Torlean or Torlaine, GlenSkiach, Evanton, IV16 9UU (“the Property”)

Parties:

Ms Christine Bruce, Alemania 6, R Las Brisas Apto 213, 38669 Fanabe, Sa Cruz De Tenerife (“the Applicant”)

Mr Paul Martus, Torlean or Torlaine, GlenSkiach, Evanton, IV16 9UU (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order.

Background

The Applicant seeks an Eviction Order on the basis of s 33 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to quit and notice under s33 of the Act together with proof of service together with the notice under s 11 of the Homelessness (Etc) (Scotland) Act 2003.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) at 2pm on 10 May 2023. The Applicants were represented by their solicitor, Mr Angus Brown. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers and accordingly the Tribunal decided to proceed in the absence of the Respondent. Having considered the Application and having heard from Mr Brown, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a short assured tenancy;*
- II. *The Applicant competently served a Notice to Quit and notice under s33 of the Act;*
- III. *The Respondent failed to remove from the Property on the expiry of the relevant notice periods;*
- IV. *The Respondent lives alone in the Property and stopped paying rent in June 2021 without any explanation;*
- V. *The Applicant has complied with s11 of the Homelessness (Etc) (Scotland) Act 2003;*
- VI. *It is reasonable that an Eviction Order is granted.*

Decision

Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

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.

Legal Member/Chair

10 May 2023

Date