



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/23/2116

Re: Property at 1B Buccleuch Street, Hawick, TD9 0HH (“the Property”)

Parties:

Mr Michael Heyes, Miss Jacqueline Turnbull, The Cottage, Fingerpost Lane, Norley, Cheshire, WA6 9LE (“the Applicant”)

Mr Colin Bouglas, HMP Barlinnie, Lee Avenue, Glasgow, G33 2QX (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

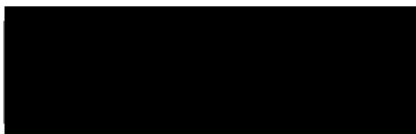
The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted under Ground 10 of Schedule 3.

1. This is an application under Section 51 of the Private Housing (Scotland) Act 2016 for an Eviction Order under Grounds 10, 12 and 14 of Schedule 3.
2. The applicants are joint owners and landlord/landlady. They entered into a tenancy agreement on the 13th of June 2019.
3. A two-member case management discussion took place at 14.00 hrs on 30 October 2023 by videoconference. The applicants joined the hearing.
4. The respondent has failed to engage with the application. We decided to continue with the discussion in his absence after satisfying ourselves that the papers had been properly served on the respondent and that he was notified of today’s CMD.

5. We were informed that the respondent has significant rent arrears from January 2023. The applicants established that the respondent had been charged with an offence and was standing trial. He has failed to respond to any reasonable request for information. He has not returned the keys and his personal belongings remain in the property, despite numerous attempts by the applicants to arrange through his sister to uplift these.
6. The respondent has been sentenced to a lengthy term of imprisonment, as the newspaper reports show. He is being held in HMP Barlinnie. Accordingly, we were satisfied that the respondent has not been occupying the property and has abandoned the property.
7. In respect of the application for eviction under Ground 12 – rent arrears, we were satisfied that at least three months’ rent arrears had accrued and accordingly were satisfied that an eviction order could be granted under this ground. However, we noted that the period of notice that is required to give a tenant before eviction can take place is six months under Ground 12, whereas Ground 10, referred to before, allows the applicants to evict after a period of 28 days. As this is more beneficial to the applicants, we decided to grant an eviction under Ground 10.
8. As stated before, we were satisfied that the respondent had failed to engage with the application in anyway. For that reason, we had no information before us to indicate that there were any particular circumstances to find that the granting of the order would not be reasonable.
9. We were satisfied that the making of an Eviction Order was reasonable in all of the circumstances, having regard to all the information before us.

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

Date: 30 October 2023