



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/3289

Re: Property at 64 Dumbuck Road, Dumbarton, G82 3AB (“the Property”)

Parties:

Mr Kris Brown, 2 Creityhall Road, Milton Of Buchanan, G63 0JA (“the Applicant”)

Miss Lisa Coleman, 64 Dumbuck Road, Dumbarton, G82 3AB (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant private residential tenancy agreement between the parties, the relevant notice to leave with proof of service, some evidence of an intention to market the Property for sale and the notice under Section 11 of the Homelessness (Etc) (Scotland) Act 2003.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 5 February 2024. The Applicant was personally present. 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. The Tribunal therefore decided to proceed in the absence of the Respondent. There were no preliminary matters to raise. Having heard from the Applicant, the Tribunal made the following findings in fact.

Findings in Fact

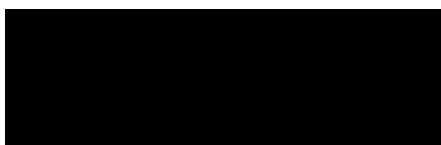
- I. *The Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy;*
- II. *The Applicant wishes to sell the Property as his mortgage deal is expiring and it is no longer financially viable for the Property to be let out by the Applicant;*
- III. *The Applicant competently served a notice under Section 11 of the Homelessness (Etc) (Scotland) Act 2003;*
- IV. *The Respondent is in rent arrears and has failed to maintain payment arrangements entered into with the Applicant;*
- V. *The Respondent is thought to live with three children at the property. She has recently purchased a caravan and spends time there away from the Property;*
- VI. *The Respondent has not engaged with the Tribunal process.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal considered that the ground relied on in the notice to leave was established and that it was reasonable to grant an Eviction Order.

Right of Appeal

[5] 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

5 February 2024
Date

