

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/EV/23/3644

Re: Property at 85 Springfield Road, Elgin, Morayshire, IV30 6BZ (“the Property”)

Parties:

Mrs Clare Hodgson, 75 High Street, Elgin, IV30 1EE (“the Applicant”)

Mr Michal Soja, Miss Adela Pietrzak, 85 Springfield Road, Elgin, Morayshire, IV30 6BZ (“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 Section 33 of the Act. The Application is accompanied by a copy of the short-assured tenancy agreement between the parties, the relevant notice under Section 33 of the Act with the Notice to Quit; proof of service of the notices 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 10 am on 5 February 2024. The Applicant was present with her representative, Ms

White. There was no appearance by or on behalf of the Respondents. The Application and information about how to join the conference call had been served on the Respondents by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondents. There were no preliminary matters to raise. Having heard from Ms White, the Tribunal made the following findings in fact.

Findings in Fact

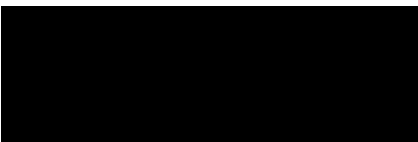
- I. The Applicant let the Property to the Respondents by virtue of a short-assured tenancy agreement within the meaning of the Act;*
- II. The Applicant competently ended the tenancy by serving a notice under Section 33 of the Act and a notice to quit.*
- III. The Applicant competently served a notice under Section 11 of the Homelessness (Etc) (Scotland) Act 2003;*
- IV. The Respondents are in rent arrears in the sum of £2,904.00.*
- V. The Respondents are not thought to live with any children or have any particular health issues.*
- VI. The Respondents have not engaged with the Tribunal process.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal considered the tenancy had been competently ended under Section 33 of the Act 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

