



**Decision 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/23/3502**

**Re: Property at 153B High Street, Arbroath, DD11 1DR (“the Property”)**

**Parties:**

**Veyda Ltd, Barns Of Wedderbun Farmhouse, Dundee, DD4 0PG (“the Applicant”)**

**Mr Craig Milne, 153B High Street, Arbroath, DD11 1DR (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Andrew Murray (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 14 of Schedule 3 of the Act. The Application is accompanied by the relevant notice to leave with proof of service, the relevant notice under section 11 of the Homelessness (etc) (Scotland) Act 2003 and a list of the anti-social behaviours founded upon.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 15 February 2024. The Applicant was represented by Mr Reavley of Easy Lets. 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.

[4] The Tribunal questioned Mr Reavley closely on the basis of the Application and the reasonableness or otherwise of making the order sought. Having heard from Mr Reavley, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement which commenced on 10 April 2019;*
- II. *The Respondent has conducted himself in a threatening and intimidating manner to his neighbours;*
- III. *He has repeatedly tampered with their gas supplies;*
- IV. *He has repeatedly tampered with the locks to the building;*
- V. *He has repeatedly tried to sabotage neighbours' washing when it was hung out to dry;*
- VI. *The Applicant competently served a notice under ground 14 of Schedule 3 of the Act. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- VII. *The Respondent's neighbours have had to repeatedly call the police about his sinister behaviour;*
- VIII. *The Respondent has failed to engage with the Tribunal process;*
- IX. *Ground 14 of Schedule 3 of the Act is established;*
- X. *The Respondent is around 30 years of age and lives alone. He has no special health needs or dependents. He is thought to work. There is no explanation for his odd and unsettling behaviour.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal found the ground relied on to be established and concluded that it was reasonable to make 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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

**Legal Member/Chair**

**Date 15 February 2024**