



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

**Chamber Ref: FTS/HPC/EV/23/4234**

**Re: Property at Flat 2F2, (also Known as Flat 4), 19 Dalziel Place, Edinburgh, EH7 5TP (“the Property”)**

**Parties:**

**Mr James Richard Lawrence, Mrs Maureen Lawrence, Nether Huntlywood, Earlston, Berwickshire, TD4 6BB (“the Applicants”)**

**Mr Steven Martin Knaggs, Mr Jacob Kember, Miss Meaghan Erin Savage, Mr Salvatore Capuano, Flat 2F2, (also Known as Flat 4), 19 Dalziel Place, Edinburgh, EH7 5TP; Flat 2F2, (also Known as Flat 4), 19 Dalziel Place, Edinburgh, EH7 5TP; 3 Scott Street, Galashiels, TD1 1HW; 7/11 Easter Dalry Wynd, Edinburgh, EH11 2TB (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in the absence of the First Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicants submitted an application under Rule 109 for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 27 February 2024 informing both parties that a CMD had been assigned for 8 April 2024 at 2pm, which was to take place by

conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 19 March 2024.

4. On 15 March 2024, the Tribunal received written representations from the fourth Respondent and on 19 March 2024, written representations were received from the third Respondent.

### **The case management discussion**

5. The CMD took place by conference call. The Applicants were represented by Mr Steve Hand. The second, third and fourth Respondents joined the conference call. The Tribunal explained the purpose of the CMD. The Applicants' representative explained that there had been no contact from the first Respondent since November until 10 minutes before the CMD started, when he received an email from the first Respondent. The First Respondent has not paid any rent since November 2023. He is believed to be in employment. The second Respondent is looking for alternative accommodation but has not found anywhere yet. It is possible that he can stay with his brother if he does not find alternative accommodation. Neither he nor the third and fourth Respondents were opposed to an order for eviction being granted.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 1 October 2022.
7. The Applicants served Notice to Leave on the Respondent by email on 31 July 2024.
8. The Applicants intends to refurbish the let property.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicants relied upon ground 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The three Respondents who joined the conference call did not oppose the application for an eviction order. The first Respondent who did not join the conference call did not lodge any written representations. The information before the Tribunal is that he has not paid rent since November. The Tribunal was satisfied that ground 3 has been established and that it was reasonable to grant the order sought.

## **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.**



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**Legal Member/Chair**

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**8 April 2024**  
**Date**