



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/24/0544

Re: Property at 33 Drumduan Park, Forres, IV36 1GF (“the Property”)

Parties:

Mrs Lucille Ann Fenton, 10 Cicely Place, Forres, IV36 1PS (“the Applicant”)

Ms Ada Valeria Tebeni, Master Michael Geddes, 33 Drumduan Park, Forres, IV36 1GF (“the Respondent”)

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

Decision (in absence of the Respondents)

[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 tenancy agreement and the notice to leave with proof of service. Medical evidence is also supplied in support of the Applicant’s health issues which are described as being her motivation to sell the Property.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 24 June 2024. The Applicant was personally present. There was no appearance by or on behalf of the Respondents. On the basis that the Respondents had received notice of the CMD and information about how to join the call by Sheriff

Officers, the Tribunal decided to proceed in the absence of the Respondents. The Applicant had 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 Agreement within the meaning of the Act;*
- II. *The Applicant now wishes to sell the Property on account of poor health and a desire to wind up her operations as a landlord;*
- III. *The Applicant has competently served a notice to leave under ground 1 of Schedule 3 of the Act on the Respondent;*
- IV. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondents have not engaged with the Tribunal process.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application.

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.

A. McLaughlin

Legal Member/Chair

24 June 2024

Date