



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/24/0984**

**Re: Property at 515 King Street, Stenhousemuir, Falkirk, FK5 4HX (“the  
Property”)**

**Parties:**

**Mr Lawson Ramsay, 106 Glasgow Road, Camelon, Falkirk, FK1 4HR (“the  
Applicant”)**

**Ms Donna Chrsanthos, 515 King Street, Stenhousemuir, Falkirk, FK5 4HX (“the  
Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for Eviction is granted.**

**Background**

1. An application was received by the Housing and Property Chamber dated 28 February 2024. The application was submitted under Rule 65 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”). The application was based on grounds 13, 14 and 15 of Schedule 5 of the Housing (Scotland) (Act) 1988 (“the Act”).

2. On 21 June 2024, all parties were written to with the date for the Case Management Discussion (“CMD”) of 31 July 2024 at 11.30 am by teleconferencing. The letter also requested all written representations be submitted by 12 July 2024.

3. On 24 June 2024, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent personally. This was evidenced by Certificate of Intimation dated 24 June 2024.

4. The Respondent did not lodge any written representations.

5. The documents lodged with the application for eviction were:-

- Tenancy agreement
- AT5
- AT6 under Grounds 13, 14 and 15 dated 11 November 2023
- Notice to Quit dated 11 November 2023 and signed for by the Respondent accepting service on 13 November
- Section 11 Notice
- E-mail to Local Authority intimating Section 11 Notice dated 2 March 2024
- Letter from the Respondent dated accepting grounds dated 13 November 2023
- Photographs of the Property

### **The Case Management Discussion**

6. A Case Management Hearing ('CMD') took place by teleconference at 11.30 am on 31 July 2024. Both parties dialled in to the CMD.

7. The Tribunal explained to the parties the purpose of the CMD, and the procedure which would be adopted. The Tribunal explained to parties that in terms of Rule 17 (4) of the Rules, that the Tribunal may do anything at a CMD which it may do at a Hearing, including making a decision.

#### *Position of the Applicant*

8. The Applicant invited the Tribunal to grant the Eviction Order.

9. He said that in addition to the documents he had supplied with his application, that he had received further complaints from neighbours regarding the Respondent and her family. He said that there is a great deal of damage which has been occasioned at the Property. He seeks the Property to be returned to him, so that he can put it back into a reasonable state of repair once again.

10. He said that there had been an earlier period, approximately 5-7 years ago, during the tenancy, when the Respondent had been bringing a large number of people into the Property. He had received noise complaints from the neighbours at that time. The Respondent's behaviour had improved then, after warnings were issued. More recently, the Respondent's children have been causing problems at the Property. They have not been attending school. They are up all night, and have multiple friends who attend at the Property. Attendees are of a questionable character, and there have been instances of aggressive behaviour towards the

neighbours. Recently both neighbours on either side of the Property have complained directly to him.

11. When the Applicant had attended at the Property to take photographs of a damaged window and rubbish strewn in the garden, he had been approached personally by one of the neighbours. The neighbour had told the Applicant that one of them had to stay in their house all the time to keep an eye on what is happening at the Property. The neighbour also complained about having difficulty sleeping due to noise levels.

#### *Position of the Respondent*

12. The Respondent candidly stated that she was not opposing the eviction order. She said that she accepted everything which had been said by her landlord in his supporting documents. In actual fact, she recognised that the Applicant had been 'great with us'. She accepted that she had signed a letter on 13 November 2023, accepting her behaviour and that of her family. She confirmed her signature attached to the statement as being her own.

13. She lives in the Property together with her children who are aged 15, 14 and 12 years of age. One of her children attends school only on a very restricted timetable. Her 14 year old child has been taken into care by the local authority, and is awaiting assessment for adhd and autism. This child has been absconding for over two years, and the Respondent said that the police were, "always at my house".

14. There are multiple agencies involved with the family, including social work, Intensive Family Support workers and the children have been referred to CAMHS (Children and Adolescent Mental Health Services).

15. The Respondent has already made an application for re-housing with the local authority. The family has been accepted for re-housing since November 2023, but the local authority has said that their application will not be progressed until the Tribunal grant the order of eviction.

16. There are no issues with the rent as this is paid direct, as she is in receipt of Universal Credit.

17. The Respondent also said that she would be glad to leave the Property, as one of her children had been the victim of abuse which had occurred there.

#### **Findings in Fact**

18. The Applicant entered into an Assured Tenancy Agreement with a commencement date of 12 October 2012.

19. In terms of the Assured Tenancy Agreement the Respondent agreed to pay rent of £735 per calendar month, said payments being due on the 12th day of each month, and due monthly in advance.

20. In terms of the Assured Tenancy Agreement the Respondent agreed to take care of the Property and to maintain the garden area. Further the Respondent agreed not to erect anything on the Property, or to cause, or allow others to cause a nuisance to the Landlord or neighbours. The Respondent also agreed not to (or allow others to) cause any damage or injury to any part of the Property.

21. Repeated complaints from neighbours at the Property over noise, and abusive language have been received by the Applicant in respect of the Respondent, her family and people attending at the Property.

22. This behaviour amounts to anti-social behaviour. Said neighbours have been unable to enjoy quiet possession and enjoyment of their homes due to the actions of the Respondent and her family and friends.

23. The Respondent and / or members of her family or guests attending at the Property have caused damage to the Property including smashing two interior doors and putting a brick through a front window.

24. The local police have required to attend at the Property on numerous occasions to deal with the Respondent and her family and friends' behaviour

25. The Respondent has failed to maintain the garden at the Property in a fit and reasonable state. The garden is full of rubbish and household items discarded by the Respondent.

26. The Respondent has erected a hutch in the garden grounds without consent.

27. Multiple obligations of the tenancy agreement have not been performed by the Respondent.

28. On 13 November 2023, the Applicant served upon the Respondent a Notice to Quit. In terms of the Notice to Quit, the Applicant gave notice to the Respondent that she was required to remove from the Property on or before 11 February 2024.

29. In terms of Section 19 of the Housing (Scotland) Act 1988, the Applicant served a Form AT6 under Grounds 15, 14 and 13 providing notice of his intention to raise proceedings for possession of the dwelling house from the Respondent. Said Notice of Intention to raise Proceedings was dated 11 November 2023. In terms of the said Notice as intimated, the proceedings before the Tribunal could not be raised before 12 February 2024.

30. The said Notice was in force at the time of raising the proceedings on 28 February 2024.

31. The Respondent accepts Grounds 13, 14 and 15 of the Act are established.

## **Reasons for Decision**

32. The Tribunal considered all of the written documents along with the submissions made by the Applicant and determined that in all the circumstances it was reasonable to grant the Order for Eviction.

33. In terms of reasonableness, the Respondent has accepted her behaviour and the behaviour of family and guests at the Property. She agrees that it is reasonable in the circumstances for the Tribunal to grant the order of eviction.

34. The Applicant has established grounds 13, 14 and 15 and is entitled to an order for repossession.

## **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.**

**Yvonne Mckenna  
Legal Member/Chair**

**Dated 31 July 2024**