



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/EV/24/1600

Re: Property at 12 Swallow Apartments, Union St, Monifieth, DD5 4NG (“the Property”)

Parties:

Ms Morna Helen Barron, Abbeytown Cottage, Aberdeen, AB30 1LB (“the Applicant”)

Mr Twana Amin, Mr Arash Qadri, 12 Swallow Apartments, Union St, Monifieth, DD5 4NG (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Nick Allan (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. During 2020 the Applicant let the Property to the Respondents. The lease was not available but other documentation confirmed the commencement date of the Lease to be during 2020. The lease, therefore, is a private residential tenancy.
2. A notice to leave dated 10th January 2024 was served upon each Respondent. The notice to leave stated the Applicant wished vacant possession of the Property as she intended to sell the Property.

3. A notice in terms of s11 of the Homeless Etc. (Scotland) act 2003 was intimated to the local authority.
4. Correspondence was provided from a firm of solicitors confirming they have been instructed to act in the sale of the Property once vacant possession is obtained.
5. The Applicant presented an application to the tribunal on 9th April 2024 seeking an order for eviction.

THE CASE MANAGEMENT DISCUSSION

6. The Applicant did not participate personally in the Case Management Discussion but was represented by Miss Whalen of Rent Locally, Dundee. Neither Respondent participated in the Case Management Discussion. The Tribunal, however, was in receipt of certificates of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondents. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the Respondents had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondents in accordance with Rule 29 of the FTT regs.
7. Despite the absence of the Respondents, the Tribunal made enquiry of Miss Whalen in relation to the personal circumstances of the Respondents. The Tribunal was advised of the following: -
 - Rent Locally took over management of the Property during September/October 2023.
 - Since then they have engaged with the Respondents, including following service of the notice to leave and following the raising of the Tribunal proceedings.
 - The Respondents are two adult males who, age wise, are “in their late twenties or early thirties”.
 - The Respondents live at the Property alone. There are no children within the Property.
 - Both Respondents are believed to be in employment. On occasions when Rent Locally have contacted them, they have been advised the Respondents were at work.
 - There are no known health issues affecting either Respondent which would be relevant to any decision to grant an eviction order.
 - The last contact Rent Locally had with the Respondents was approximately two months ago, following the raising of the proceedings and following the date of the Case Management Discussion being confirmed.
 - The Respondents are aware of the ongoing proceedings and have been actively looking for alternative accommodation.

8. In the circumstances, having regard to the failure of the Respondents to engage in the Case Management Discussion, and having regard to the information and documentation provided to the Tribunal, the tribunal granted an order for eviction.

DECISION

The Tribunal grants an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 30th October 2024

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.

Virgil Crawford

23 September 2024

Legal Member/Chair

Date