



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/24/3814

Re: Property at 16 Wallace Street, Falkirk, FK2 7DW (“the Property”)

Parties:

Sheila Watson, James Ritchie, Springfield, Elsrickle, Biggar, ML12 6RA (“the Applicant”)

Mr Valdas Kamarauskas, 37 Oswald Street, Falkirk, FK1 1QJ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ann Moore (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 Applicants seek an Eviction Order under ground 10 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. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Hearing

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 10 April 2024. The Applicants were represented by Mr Dean of BKF Solicitors.

The Respondent was neither present nor represented. The Application had been competently served on the Respondent at his current address and so the Tribunal proceeded in his absence.

[4] Having heard from Mr Dean and having considered the Application, the Tribunal made the following findings in fact.

Findings in Fact

1. *The Applicants let the property to the Respondent by virtue of a Private Residential Tenancy Agreement;*
2. *The Respondent does not occupy the Property as his home and he now lives at 37 Oswald Street, Falkirk. The Respondent has done nothing to formally end his tenancy and has left belongings in the Property. The Respondent has not engaged with the Tribunal process.*
3. *The Applicants have now competently served a notice to leave under ground 10 on both Respondents;*
4. *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 10 of Schedule 3 of the Act was established and that it was reasonable to grant the Application. The Respondent was clearly now living elsewhere.

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.

Andrew McLaughlin

Legal Member/Chair

Date: 10 April 2025

