

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/4433

Property : 224 Stoneywood Brae, Aberdeen AB21 9FA (“Property”)

Parties:

Crucible Residential Properties Ltd, 1 Curzon Street, London W1J 5HD (“Applicant”)

Dandara Living, Stoneywood Brae, Aberdeen AB21 9FA (“Applicant’s Representative”)

David Gibbs, 224 Stoneywood Brae, Aberdeen AB21 9FA (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 7 June 2019 (“Tenancy Agreement”); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 19 July 2024 (“Notice to Leave”) with covering email dated 19 July 2024; statement of rent arrears; report from sheriff officer dated 16 May 2025 indicating the Respondent was no longer occupying the Property; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering letter dated 20 September 2024. The Application was served on the Respondent by advertisement on the Tribunal website between 3 April 2025 and 16 May 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 16 May 2025 by teleconference. The Applicant was represented by Rita Valiukaite of the Applicant’s Representative. She

was accompanied by her colleague, Brenda Troup. The Respondent was not in attendance.

Ms Valiukaite told the Tribunal that the Respondent had lived in the Property alone. She said it had taken some time to get to the stage of seeking an eviction order as two previous applications had not been successful. She said that the Respondent had been employed in the oil and gas sector but reports from sheriff officers indicated that the Respondent is now living abroad.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 7 June 2019.
2. The Notice to Leave was served by email on 19 July 2024.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. The Respondent is no longer occupying the Property as his home.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 20 September 2024.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in grounds 10 and 12 which is that the tenant is no longer occupying the let property as their home and the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the trace report from sheriff officers and the statement of rent arrears provided and determined that grounds 10 and 12 had been established.

Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.



**Joan Devine
Legal Member**

Date : 16 May 2025