



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/24/4815

**Re: Property at Strathnaver, Greenhill Street, Dingwall, Ross-shire, IV15 9JQ
("the Property")**

Parties:

**Julie Ross, Wharfdale, Cullicudden, Balblair, Dingwall, IV7 8LL ("the
Applicant")**

**Justyna Drewczynski, Marcin Drewczynski, Strathnaver, Greenhill Street,
Dingwall, Ross-shire, IV15 9JQ ("the Respondents")**

Tribunal Members:

Andrew Upton (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that an eviction order should be granted.**

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference on 28 April 2025. The Applicant was represented by Mr Dean, solicitor. The Respondents were not present or represented.
2. In this Application, the Applicant seeks an eviction order. The Applicant says that she is the landlord, and the Respondents the tenants, of the Property under and in terms of a Short Assured Tenancy Agreement. The contractual tenancy has come to an end, and tacit relocation is not operating. The Applicant has given notice to the Respondents under section 33 of the Housing (Scotland) Act 1988. The Applicant contends that it is reasonable to grant the eviction order. In particular, it is asserted that the Respondents have made unauthorised alterations to the Property by installing a "lean-to"

structure, and generally not keeping the Property in good condition. Additionally, the Respondents are in rent arrears of £2,175.

3. At the CMD, the Tribunal was invited to grant the eviction order. Mr Dean advised that the Respondents reside at the Property with their three children. He was not aware of any special circumstances applying to them, such as any authorised adaptations or access to any local specialist services. He was unaware of the Respondents being affected by any issues with payment of benefits. He confirmed that the Respondents had been in communication with the Applicant's letting agent at the beginning of April 2025, but did not know the detail of that discussion.
4. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"), the Tribunal can do anything at a CMD that it can do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision. That includes a need to avoid unnecessary delay.
5. The Respondents were given notice of the CMD and chose not to attend. In the circumstances, the Tribunal determined that the Respondents did not dispute the contents of the Application. In particular, the Respondents did not dispute the validity of the notice given, or that it was reasonable to grant the eviction order. In any event, in circumstances where the Respondents have apparently undertaken unauthorised alterations to the Property in breach of the contractual prohibition on their doing so, and separately fallen into rent arrears totalling the equivalent of three months' rent, the Tribunal was satisfied that it is reasonable to grant the eviction order.

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 Upton

28 April 2025

Legal Member/Chair

Date