

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/24/4680

Re: Property at 37 Oswald Street, Falkirk, FK1 1QJ (“the Property”)

Parties:

Mr Robin Binnie, 97/7 Inverleith Row, Edinburgh, EH3 5LX (“the Applicant”)

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

Tribunal Members:

Lesley Ward (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for the Respondent’s eviction from the property should be made on the ground that the Applicant intends to refurbish the property and it is reasonable in all of the circumstances that the eviction order be granted.

Background

2. This was a case management discussion (‘CMD’) in connection with an eviction application in terms of rule 109 of the Tribunal rules of procedure and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016, (‘the Act’). The Applicant attended. The Respondent did not attend and was not represented. The Tribunal had sight of the execution of service by Sheriff Officers on 10 March 2025 and was satisfied that the Respondent had received notice of the CMD in terms of rule 24. In The Tribunal proceeded with the CMD in his absence in terms of rule 29 and in

accordance with the overriding objective. The Tribunal proceedings took around 20 minutes and the Respondent did not attend during that time.

3. The eviction application was made on 8 October 2024. The Tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement ('PRT') dated 16 June 2024.
- (2) Notice to leave dated 26 August 2024.
- (3) Proof of service of the notice to leave.
- (4) Land certificate.
- (5) Landlord registration.
- (6) Section 11 notice and proof of service.
- (7) Photographs.
- (8) Appendix to PRT regarding proposed refurbishment.
- (9) Quotation for refurbishment works.

Preliminary matters

4. The Applicant clarified that the PRT had been provided to the Tribunal in two parts. The first part consisted of the completed pages including the main terms of the PRT and the signing details. Secondly he had provided a blank model tenancy agreement. He explained that the Respondent was given the full tenancy agreement, namely the completed pages and the other parts of the model tenancy agreement. The Tribunal was satisfied that the Applicant had provided a full copy of the PRT between the parties.

5. The Tribunal noted that the tenancy started on 16 June 2024 and the notice to leave was served two months later on 26 August 2024. The Applicant explained that the tenant was aware that the property would require to be refurbished within a few months of the start of the tenancy. He also pointed out that the agreed rent reflected the condition of the property. He had also provided a copy of an appendix attached to the PRT with the application. This document explained that the Applicant was planning to refurbish the property within a few months of the start of the tenancy.

Case management discussion

The Applicant's position

6. The Applicant is seeking an eviction order today. He was aware the property required to be refurbished when he rented it to the Respondent and this was explained to the tenant. He did not have the funds at that time as he had recently renovated two other properties. The Respondent has accrued around three months rent. He has told the Applicant that he is looking for another property. The Respondent lives alone and is believed to be working.

7. Findings in fact

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a PRT for the let of the property on 16 June 2024.
- The Respondent was served with a valid notice to leave on 26 August 2024.
- The Applicant intends to refurbish the property.
- The Respondent was aware that the property required to be refurbished when he entered into the PRT.
- The Respondent has around three months of rent arrears.

Reasons

8. This was an undefended eviction application. The Applicant intends to refurbish the property and the Respondent was aware of this when he entered into the tenancy agreement. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The Tribunal was satisfied that it was reasonable in all of the circumstances 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.

L.Ward

28 May 2025

Legal Member

Date