

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/25/1030

Re: Property at Flat 1, 7 Chapel Street, Peterhead, AB42 1TH (“the Property”)

Parties:

Rockview Properties Ltd, Ruach, Inverugie, Peterhead, Aberdeenshire, AB42 3DE (“the Applicant”)

Mr Peter Davidson, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 8th March 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on grounds 1 and 13 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 29th May 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 28th July 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 19th June 2025.
3. On 5th June 2025, sheriff officers wrote to the Housing and Property Chamber advising that they had been unable to effect service. They found the door to be bolted shut. Neighbours had suggested that the Respondent was in prison. HMP & YOI Grampian was contacted but were not able to confirm that the Respondent was being held by them.

4. Service by Advertisement was undertaken upon the Respondent from 18th June 2025.

The Case Management Discussion

5. A CMD was held on 28th July 2025 at 10am by teleconferencing. The Applicant was not present but was represented by Mr Martin Urquhart, DJ Alexander. Mr Raphael Bar, DJ Alexander was also present but in an observation role only as he was dialling in from Portugal. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
6. The Tribunal noted that the application was raised under both grounds 1 and 13. In terms of ground 13 it was unclear what relevant conviction the Respondent has that would satisfy ground 13. Mr Urquhart was not able to specify further on that ground and was satisfied for the Tribunal to proceed in terms of ground 1.
7. The Tribunal noted from the papers that there have been padlocks put on the front door to the Property. Mr Urquhart said that these had been put on the door by the Police after entry was forced into the Property. He was not able to specify exactly how long the padlocks have been on the door but confirmed that his firm was notified by neighbours about the padlocks in early 2025. However, the neighbours have also notified that the Property can be entered by unscrewing the padlocks. It is believed from the reports from the neighbours that the Respondent has been doing this. He has been seen coming and going from the Property. The last contact from the neighbours was at the end of June 2025. They also noted that he had been offering illicit drugs to them. Offering drugs and very antisocial behaviour has been a pattern of behaviour of the Respondent. The other residents are deeply concerned by this behaviour particularly in how it affects their own welfare and enjoyment of their properties.
8. Mr Urquhart told the Tribunal that the Applicant is of retirement age and now wishes to retire from being a landlord. He has one other residential property which he wishes to sell. The Applicant wishes to sell the Property with vacant possession. It is anticipated that there will be sufficient damage to the Property which will need to be addressed before the Property can be marketed for sale.
9. He also informed the Tribunal that there were no known outstanding Housing Benefit or Universal Credit Housing Element issues. There was a payment from Universal Credit on 11th July 2025 for £425 plus a payment of £40. 01 towards the arrears. Universal Credit appears to have been suspended for approximately three months and then started again with this payment. This implies that the Respondent is still living in the Property.
10. The Tribunal was satisfied that the intention of the Applicant is to sell the Property and that it was reasonable to grant an order for eviction.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 23rd April 2023.
12. The Applicant now wishes to sell the Property. He wishes to retire from being a landlord. He is ready to market the Property once there is vacant possession. He owns two domestic rental properties (including this one). He wishes to sell both of them.
13. In terms of reasonableness the Respondent has allowed arrears of £1392.03 to accrue on the rent account, he has been conducting antisocial behaviour in and around the Property which has included offering other tenants illicit drugs and causing the Police to force entry into the Property. The Respondent has not been communicating with the Applicant or their agents in terms of the tenancy.
14. There are no known outstanding Universal Credit Housing Element issues.
15. There are no issues of reasonableness that prevent an order from being granted.

Decision

16. The Tribunal found that ground 1 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

28th July 2025

Legal Member/Chair

Date