



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/21/0294

Re: Property at 23A North Bridge Street, Airdrie, ML6 6NL (“the Property”)

Parties:

Ms Pauline Gillies, C/O Gilson Gray Lettings, 29 Rutland Square, Edinburgh, EH1 2BW (“the Applicant”)

Ms Jessie Watson, 23A North Bridge Street, Airdrie, ML6 6NL (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Angus Lamont (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 5th February 2021. 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 the Respondent not adhering to ground 15(4) of schedule 3 of the Private Housing (Tenancies) Act 2016.
2. A Case Management Discussion (“CMD”) was held on 20th April 2021 at 2pm by teleconferencing. The Applicant was represented by Mr Fraser Crombie, solicitor, Gilson Gray LLP. The Applicant did not attend. The Respondent was

not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing. Mr Crombie informed the Tribunal that he believed that the antisocial behaviour was continuing by the Respondent's grandson. He did not have the exact dates. He noted that after the proceedings had been raised that the Respondent's grandson was reported to the letting agent as standing in the common close shouting, swearing and threatening the neighbours for being involved with the eviction case. Mr Crombie was not able to inform the Tribunal of what disability the Respondent had or the impact on her in terms of vulnerability. Mr Crombie noted that he would arranged for his client's letting agent, Mr Arran Ponton, to attend at the next hearing in place of the Applicant as she has had no involvement with the case. The Tribunal was not satisfied that there was sufficient information to grant an order for eviction at that CMD and required further information to make a decision. The Tribunal will issued a direction to the Applicant regarding further information required. The case was continued to a further CMD on 3rd June 2021 at 2pm.

The Case Management Discussion

3. A Case Management Discussion ("CMD") was held on 3rd June 2021 at 2pm by teleconferencing. The Applicant was represented by Mr Fraser Crombie, solicitor, Gilson Gray LLP. The Applicant did not attend. Mr Arran Ponton, the Respondent's letting agent, was present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
4. Mr Crombie told the Tribunal that his motion remained that ground 15 had been met and that an order for eviction should be granted. The Tribunal noted that Mr Crombie had lodged a statement from a neighbour, a statement from Mr Ponton, a list of incidents and letters regarding antisocial behaviour complaints to the local council. This had provided further information. Mr Ponton was able to confirm that the list of incidents was not an exhaustive list but demonstrative. He said that antisocial behaviour has continued. It currently was mainly in relation to the waste refuge outside the building. The Respondent's grandson had ceased to make abusive threats once the Tribunal procedure had commenced. Regarding the Respondent's vulnerability, Mr Ponton was able to say that he was not aware of any specific disability and that she was able to mobilise herself independently. Mr Ponton said that he the DWP rent payments had stopped. He had not had any information regarding this from the DWP but believed that the Respondent had informed the DWP that the tenancy was ending.

Reasons for the decision

5. The Tribunal decided that ground 15 had been met. A competent application had been submitted and there had been antisocial behaviour within 12 months of the application by the Respondent's grandson or grandsons. The Tribunal did not consider that there were any issues of reasonableness to prevent the Order for eviction being granted.

Decision

6. The Tribunal found that ground 15 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

3rd June 2021

Legal Member/Chair

Date