



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) Act 2016**

**Chamber Ref: FTS/HPC/EV/19/2290**

**Property: Top Left, 15 Rosefield Street, Dundee DD1 5PW**

**Parties:**

**Baker Bradley Property, c/o 112 Albert Street, Dundee DD3 6QA (“applicant”) per Mr Alec Campbell, Campbell Boath, Solicitors, Bank House, Stirling Street, Dundee DD3 6PJ**

**Mr Russell Carmichael, residing at the property (“the Respondent”)**

**Tribunal Members:**

**David Preston (Legal Member)**

**Decision (in absence of the Respondent)**

**Tribunal Member:**

**David Preston (Legal Member) (“the tribunal”)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted in favour of the applicant.**

**Background:**

1. By application dated 20 July 2019 the applicant applied for an order for eviction and possession of the property was made to the tribunal on the basis of Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.
2. The papers before the tribunal comprised: Tenancy Agreement dated 27 February 2018; rent statement covering the period May 2018 to July 2019 showing arrears of rent to that date of £1866.25; Notice to Leave dated 14 June 2019; Proof of Posting dated 14 June 2019; Notice under section 11 of the Homelessness etc (Scotland) Act 2003; Sheriff Officer’s Report dated 9



September 2019 and Certificate of Service dated 5 September 2019 confirming service of a full set of papers on the respondent.

3. By Decision dated 19 August 2019, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation dated 3 September 2019, with Notice of the Case Management Discussion to be held 10 October 2019 at 14.00 in Hilltown Community Centre, 15 Alexander Street, Dundee DD3 7UN together with the case papers was served on the tenant by Sheriff Officers on 5 September 2019. The tribunal was provided with a copy of the Sheriff Officer's Certificate of Citation of that date.

### **Case Management Discussion**

4. Mr Campbell attended on behalf of the applicants. The respondent neither appeared nor was represented.
5. Notice of the CMD had been served on the respondent together with a full set of papers relating to the application. The tribunal was satisfied that due notice had been given to the respondent to which he had failed to respond.

### **Reasons for Decision:**

6. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
7. The tribunal accepted the information in the file and as provided by Mr Campbell and determined to issue the order for eviction.

### **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.**



**Legal Member/Chair**

**10 October 2019**

**Date**