



**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/22/3167**

**Re: Property at 8 Pittfirrane Park, Crossford, Dunfermline, Fife, KY12 8NU (“the Property”)**

**Parties:**

**Lesley Harrison (aka Wotherspoon), 1 Lyne Grove, Crossford, Dunfermline, KY12 8YB (“the Applicant”)**

**Mr Sean Doolan, 8 Pittfirrane Park, Crossford, Dunfermline, Fife, KY12 8NU (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (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 Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. By decision dated 28 October 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant on 28 October 2022. The Tribunal intimated the application to the parties by letter of 28 November 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could

make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 19 December 2022. No written representations were received by the Tribunal.

### **The Case Management Discussion (“CMD”)**

4. The Applicant and her daughter, Alicia Harrison, participated in the CMD and the Applicant was represented by Mr Runciman, solicitor. The CMD took place by conference call and proceeded in the absence of the Respondent. The Applicant understands that the Respondent resides in the property alone and does not have dependants. He is believed to be in employment. Although the Respondent incurred significant rent arrears during 2020 and 2021, he has made additional payments and the rent arrears have reduced to £1,245. There have been no other issues with the tenancy. The Applicant lodged an affidavit of her daughter in support of the application, explaining that she intends to live in the property. It was submitted that it is reasonable in all the circumstances for the Tribunal to grant the order for eviction.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 1 December 2017.
6. The Notice to Leave was served on the Respondent by email on 31 May 2022.
7. The Applicant’s daughter intends to live in the property.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant’s daughter requires the property to live in. The Respondent did not submit any written representations and did not participate in the CMD. There was nothing before the Tribunal to indicate that he was opposed to the application. In light of what was said by the parties, the Tribunal found that it was reasonable to grant the order sought.

### **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.**

# Nicola Irvine

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Legal Member/Chair

30 January 2023

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Date