



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/22/3852**

**Re: Property at 30 Newmains Road, Kirkliston, EH29 9AL (“the Property”)**

**Parties:**

**Mrs Aileen Henry, 11 Glendinning Drive, Kirkliston, EH29 9HF (“the Applicant”)**

**Ms Rebecca Howman, 30 Newmains Road, Kirkliston, EH29 9AL (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Janine Green (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order.**

**Background**

The Applicant seeks an Eviction Order on the basis of having served a notice under s33 of the Act on the Respondent together with a notice to quit. The Application is accompanied by a copy of the relevant notices, a copy of the tenancy agreement and proof of the notice sent to the local authority under s 11 of the Homelessness (etc) (Scotland) Act 2003.

**The Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 9 March 2023. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The Application and information about how to join

the conference call had been competently served on the Respondent by sheriff officers. The Tribunal therefore decided to proceed in the absence of the Respondent. Having heard from the Applicant and having considered the Application, the Tribunal made the following findings in fact,

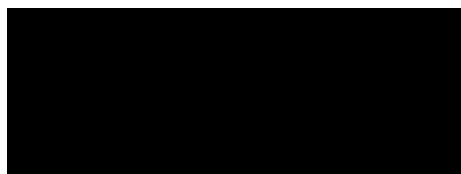
- I. *The Applicant and the Respondent entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a short-assured tenancy that commenced on 17 August 2015;*
- II. *On 20 July 2022 the Applicant competently served a notice to quit and notice under s 33 of the Act calling upon the Respondent to remove herself from the Property by 16 October 2022. That date tied in with the ish date of the tenancy;*
- III. *The Applicant has complied with s11 of the Homelessness (Etc) (Scotland) Act 2003;*
- IV. *The Applicant relies on rental income from the Property as a significant part of her income. The Respondent has failed to pay rent for a period of around six months;*
- V. *The Respondent has failed to engage with the Tribunal process;*
- VI. *It is reasonable that an Eviction Order is made;*

### **Reasons for Decision**

Having made the above findings in fact, the Tribunal granted the Application and made an 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.**



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Legal Member/Chair

**9 March 2023**

**Date**