



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/23/1205

Re: Property at 58 Scott Place, Fauldhouse, West Lothian, EH47 9LH (“the Property”)

Parties:

Mr Brian Mitchell, Miss Brenda Mitchell, Pathways, 91 Rowan Drive, Blackburn, West Lothian, EH47 7PA; Pathways 91 Rowan Drive, Blackburn, West Lothian, EH47 7PA (“the Applicant”)

Mr Nicholas Anderson, 58 Scott Place, Fauldhouse, West Lothian, EH47 9LH (“the Respondent”)

Tribunal Members:

Andrew Upton (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 an eviction order should be granted.

Statement of Reasons

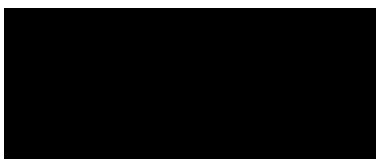
1. This Application called for its Case Management Discussion by teleconference call on 11 July 2023. The Applicants were present on the call. The Respondent was neither present nor represented.
2. In this Application the Applicants seek an eviction order. They claim that the Respondent has behaved antisocially. They have provided with the Application a detailed chronology of the events which they allege took place and comprise anti-social behaviour.
3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at

a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a decision, including the need to avoid unnecessary delay.

4. The Respondent has been afforded an opportunity to defend the Application and thereby dispute the assertions made in the Application. He has chosen not to do so. In the circumstances, the Tribunal was satisfied that the Respondent does not dispute the allegations in the Application. The Tribunal determined that the Respondent's behaviour has been anti-social and that ground 14 of schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 applies. The only matter remaining to determine was reasonableness.
5. The Applicants confirmed that the Respondent lives alone at the Property. The Property has not been adapted for him and he has no known disabilities. He continues to behave anti-socially, including towards the Applicants. There are significant rent arrears, which are the subject of a separate unfulfilled payment order granted by the Tribunal. The Tribunal previously granted an eviction order against the Respondent based on rent arrears, but that order is subject to the moratorium on enforcement imposed by the Cost of Living (Tenant Protection) (Scotland) Act 2022. Eviction based on anti-social behaviour is not subject to the moratorium, and the Applicants require to remove the Respondent as soon as possible to put an end to that behaviour.
6. Having considered the circumstances as described by the Applicants, albeit without contest by the Respondent, the Tribunal determined that it was reasonable to grant the eviction order. For the purposes of section 51(4) of the 2016 Act, the Private Residential Tenancy between the parties will end on 11 August 2023.

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:

Date: 11/07/2023

