



**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/23/1329**

**Re: Property at West Lodge Castle Grant, Grantown On Spey, PH26 3PR (“the Property”)**

**Parties:**

**The Reidhaven Estate, Seafield Estate Office, Cathay House York Place, Cullen, Buckie, AB56 4UW (“the Applicant”)**

**Ms Catriona Henderson, whose present whereabouts are to the Applicant unknown (“the Respondent”)**

**Tribunal Member:**

**Gillian Buchanan (Legal Member)**

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

A Case Management Discussion (“CMD”) took place on 5 September 2023 by telephone conference. The Applicant was represented by Miss Mairi Meiklejohn. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:**

**Background**

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”).
- ii. On 27 April 2023 the Applicant served on the Respondent by Sheriff Officer a Notice to Leave requiring the Respondent remove from the Property by 27 May 2023 on

the basis that the Respondent was no longer occupying the Property and had breached a term of the PRT.

- iii. By application dated 25 April 2023 the Applicant seeks an eviction order.

### **The Case Management Discussion**

At the CMD Miss Meiklejohn made the following representations:-

- i. The PRT commenced on 3 August 2018.
- ii. Whilst the Respondent is understood to have vacated the Property in August 2022 she was still back and forwards to the Property and her belongings were still within the Property. She was most recently seen at the Property in March Miss Meiklejohn had done everything to contact the Respondent without success.
- iii. She was concerned that the Applicant may not be able to obtain possession of the Property and that even if possession was obtained it might be beyond economic repair.
- iv. Miss Meiklejohn sought an eviction order. After discussion with the Tribunal she sought the order only on the basis of Ground 10 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").

### **Findings in Fact**

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT").
- ii. The PRT commenced on 3 August 2018.
- iii. The Respondent vacated the Property in August 2022.
- iv. Whilst the Respondent vacated the Property in August 2022 she was still back and forwards to the Property and her belongings were still within the Property.
- v. The Respondent was most recently seen at the Property in March 2023.
- vi. On 27 April 2023 the Applicant served on the Respondent by Sheriff Officer a Notice to Leave requiring the Respondent remove from the Property by 27 May 2023 on the basis that the Respondent was no longer occupying the Property and had breached a term of the PRT.
- vii. It is reasonable to grant an eviction order under Ground 10 of Schedule 3 of the 2016 Act.

### **Reasons for Decision**

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and on its behalf orally at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal considered whether or not it would be reasonable to grant an eviction order and determined that it is reasonable to grant an eviction order under Ground 10 of Schedule 3 of the 2016 Act on the basis that the Respondent is no longer in occupation of the Property and had removed in August 2022.

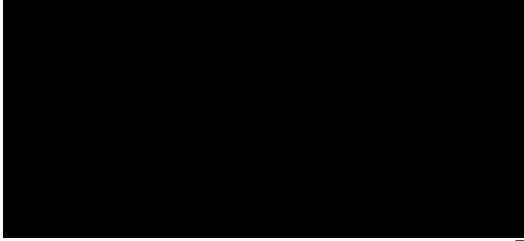
### **Decision**

The Tribunal grants an eviction order under Ground 10 of Schedule 3 of the 2016 Act.

### **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**

5 September 2023

**Date**

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