

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/EV/19/2777**

**Re: Property at 3D Steel Street, Gourock, PA19 1RR (“the Property”)**

**Parties:**

**Dalglen 1810 Ltd, c/o Neill Clerk and Murray Solicitors, 3 Ardgowan Square, Greenock, PA16 8NW (“the Applicant”)**

**Mr Stephen Watson, 3D Steel Street, Gourock, PA19 1RR (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

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

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

**Background**

This is an application under Rule 109 of the Tribunal Procedure Rules and section 51(1) of the Act seeking recovery of possession and eviction under Grounds 14 and 15 of the Act.

The Tribunal had regard to the following documents:

1. Application received 5 September 2019;
2. Private Residential Tenancy Agreement (PRTA) commencing 14 November 2018;
3. Notice to Leave served 13 June 2019;
4. Sheriff Officer’s certificate of Service of Notice to Leave on 13 June 2019;
5. Section 11 Notice to local authority;
6. Statements and Letters in support of allegations of anti-social behaviour comprising:

**Alan Strain**

- a. Letter of 15 March 2019 to Respondent warning that eviction proceedings may be commenced if anti-social behaviour does not cease;
  - b. Chronology setting out dates of incidents and Police involvement;
  - c. List of Complaints;
  - d. Statement of Paul Henderson dated 28 July 2019;
7. Sheriff Officer Certificate of Service of CMD Notification dated 18 October 2019.

### **Case Management Discussion (CMD)**

The case called for a CMD on 18 November 2019. The Applicant was not present but was represented. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had notification of the CMD from Sheriff Officers. The Respondent was accordingly aware that the Tribunal could proceed in the Respondent's absence and if satisfied it had sufficient information to do so and the procedure had been fair, the Tribunal could determine the matter.

The Tribunal considered the written documentation before it and made the following findings in fact:

1. The Parties entered into a PRTA in respect of the Property commencing 14 November 2018;
2. The Respondent had conducted anti-social behaviour as evidenced by the Statements and letters noted above;
3. The Respondent's anti-social conduct has taken place from 10 March 2019 to 17 July 2019 as detailed in the chronology;
4. The Respondent was warned by the Applicant's letter of 15 March 2019 of the potential eviction if he did not cease the anti-social behaviour;
5. Notice to Leave was served by Sheriff Officers on 13 June 2019;
6. Section 11 Notice was served on the local authority.

The Tribunal considered the evidence and the requirements of Ground 14. The Tribunal was satisfied that the Respondent had engaged in relevant anti-social behaviour over the period 10 March to 17 July 2019. The Tribunal was equally satisfied that it was reasonable to grant and order for eviction and recovery of possession against the Respondent as a consequence of the anti-social behaviour.

The Tribunal was not satisfied that the requirements of Ground 15 were made out. No evidence was adduced in support of this.

The Tribunal accordingly granted the order for eviction and recovery of possession under ground 14 alone.

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## **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.**

Alan Strain

18 November 2019

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**Legal Member/Chair**

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**Date**