



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/2975

Re: Property at 86 Mill of Shield Road, Drongan, KA6 7AY (“the Property”)

Parties:

Mr Alasdair Baillie, 2 Adamhill Cottage, Kilmarnock, KA1 5NL (“the Applicant”)

Miss Sharlene Knox, 86 Mill of Shield Road, Drongan, KA6 7AY (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under Ground 12A of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, a rent statement, the notice to leave relied on with proof of service, the notice served under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and evidence of compliance with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2022.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 9 January 2024. The Applicant was represented by Ms Sinclair of Lomond

Property. There was no appearance by or on behalf of the Respondent. On the basis that intimation of the Application had competently been effected on the Respondent by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent. Ms Sinclair explained that the rent arrears founded upon had increased to the sum of £8,900.00 and that no rent had been paid at all since July 2022.

[4] The Tribunal discussed the Respondent's domestic situation as much as possible with Ms Sinclair but as the Respondent had failed to engage with the Tribunal, not much was known about her current circumstances. The Tribunal adjourned to consider its decision. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent under a Private Residential Tenancy Agreement;*
- II. *The contractual monthly rent was £450.00. The Respondent has not paid any rent whatsoever since July 2022. The current arrears are in the sum of £8,900.00 and are continuing to increase;*
- III. *The Respondent has failed to engage with the Tribunal or offer any explanation for the chronic non-payment of rent;*
- IV. *The Applicant competently served a notice to leave under ground 12A of Schedule 3 of the Act;*
- V. *Ground 12A is established. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2022.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal decided to grant 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.



Legal Member/Chair

9 January 2024

Date