



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/23/4271

Re: Property at 3 Alex Shepherd Drive, Kincardine, FK10 4SD (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Court, Pentland Court, Glenrothes, KY6 2DA (“the Applicant”)

Mr Paul Wilson, 3 Alex Shepherd Drive, Kincardine, FK10 4SD (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

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

This is an application for an order for eviction of the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 19 March 2024, by teleconference. The Applicant was represented by Ms Brechany of TC Young, solicitors. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue he may have been experiencing, but there remained no contact from him.

Notice of the application and the CMD was served on the Respondent by sheriff officers on 1 February 2024. The Tribunal was therefore satisfied that the

Respondent was aware of the CMD, but had chosen not to attend; and that it was fair to proceed in his absence.

- Findings in Fact

The following uncontested facts from the application were relied on by the Tribunal in making its decision:

1. The Applicant lets the Property to the Respondent in terms of private residential tenancy agreement with a start date of 24 December 2018.
2. In terms of that agreement, rent of £444.43 was initially due each month.
3. The rent figure has been raised by notice in April of each year of the tenancy.
4. The Respondent has been in arrears of rent since October 2020.
5. On 23 June 2023, the Applicant sent a letter to the Respondent complying with the requirements of the pre-action requirements set out by Scottish Ministers for rent arrears cases.
6. A notice to leave was served on the Respondent on 18 July 2023, indicating an intention to rely on grounds 12 and 12A of schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application for eviction to follow.
7. At the date of service of the notice to leave, the monthly rent due was £485.80 and Respondent was in arrears of rent of £4,223.59.
8. The outstanding rent at the date of the CMD is £8,226.55.
9. The Respondent lives alone at the Property.
10. The Respondent was in receipt of universal credit for a period, but is no longer.

11. The Applicant has tried repeatedly to contact the Respondent to discuss his arrears and a means of addressing them, but he has not been contactable.

- Reasons for Decision

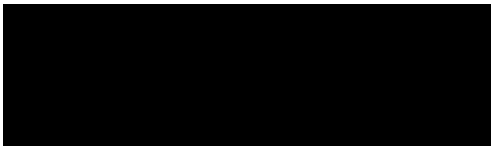
12. Grounds 12 and 12A are made out in this case on the strength of the facts above. It is reasonable to grant eviction on either ground. The Respondent's arrears are significant and he has not made any representation to the Tribunal to suggest that it would not be reasonable to grant the order against that background.

- Decision

Order for eviction granted.

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

19 March 2024

Date