

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/20/0026

**Re: Property at Flat 1/R, 159 Clepington Road, Dundee, DD3 7SN (“the
Property”)**

Parties:

**Mr Joseph Davitt, Mrs Linda Davitt, 2 Cob Place, Godmanchester, Huntingdon,
PE29 2XD (“the Applicant”)**

**Mr Gary Cringle, Flat 1/R, 159 Clepington Road, Dundee, DD3 7SN (“the
Respondent”)**

Tribunal Members:

Richard Mill (Legal Member)

Decision

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

The Hearing

**The Applicants were represented by Mr Alan Smith of Sutherland Management.
The Respondent appeared personally. The Respondent acknowledged that he
had no defence to either the Eviction or Recovery application which were
heard together. The Respondent admitted the sum due in rent following the
amendment. No time to pay application was made.**

Findings and Reasons

**The parties entered into a short assured tenancy in respect of the property at
Flat1/R, 159 Clepington Road, Dundee DD3 7SN. The tenancy commenced on 1
November 2017. The rent was fixed at £425 per month and a deposit of £425
was paid.**

The Respondent has fallen into arrears of rent. He has breached his statutory duties. The Applicants served a valid notice to quit by Sheriff Officers on 30 October 2019. This required him to vacate the property by 2 January 2020. He has remained in the property.

The Respondent has been failing in his payments of rent since September 2019. As at the time of the applications for eviction and recovery of rent being made to the Tribunal he was in arrears to the extent of £1,912.50. This has risen due to continued non payment. An amendment application has been made timeously by the Applicants in terms of Rule 14A. The amount now sought by way of recovery of rent is now £2,337.50.

The Applicants are entitled to recovery of the property.

The Applicants are entitled to recover the rent outstanding.

The Tribunal attached weight and relied upon the documentary evidence lodged with the applications.

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.

Richard Mill

Legal Member/Chair

4 March 2020

Date