

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 51 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/19/0484

Re: Property at 57A Loudoun Road, Newmilns, KA16 9HJ (“the Property”)

Parties:

Mr Ricky Singh Kapoor, 50 Kingsway, Hayes, UB3 2TY (“the Applicant”)

Mr David Weir, 57A Loudoun Road, Newmilns, KA16 9HJ (“the Respondent”)

Tribunal Members:

Alison Kelly (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 should be granted.

Background

The Applicant’s letting agent lodged an application on 14/2/19 under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) seeking eviction of the Respondent from the property.

Lodged with the application were:

1. Private Residential Tenancy
2. Notice to Leave dated 12/11/18 terminating the tenancy at 13/12/18
3. Section 11 Notice
4. Copy Rent Statement

Case Management Discussion (“CMD”)

The Applicant was represented by Thomas Telfer of Letts Agree Sales and Lettings Ltd. The respondent did not appear and was not represented.

The Chairperson introduced herself and confirmed the purposes of a CMD in terms of the Rule 17 of the Rules. She asked Mr Telfer to address her on what he was seeking and why.

Mr Telfer said that he was seeking eviction on the basis of non payment of rent. The respondent paid the first month's rent but had not made any payments since. He had made 2 payment arrangements but had broken them both. He had sent a screenshot to the Landlord showing that he had set up a direct debit, but no payment was received.

The Chairperson asked Mr Telfer to confirm the legal basis on which he was seeking the eviction. He said that it was mandatory to grant it if the rent was more than three months in arrears. The Chairperson reminded him that it was mandatory if she was satisfied that the arrears had not accrued due to an issue with the non payment of benefits. Mr Telfer said that the Respondent was working as a security guard, and had been throughout the tenancy. Mr Telfer had never been made aware of any benefit applications. As the respondent was not present to put forward anything different the Chairperson was satisfied that it was mandatory to grant the order.

Findings In Fact

1. The parties entered in to a Private Residential Tenancy in respect of the property.
2. The rent was £230 per calendar month.
3. The Respondent paid only the first month's rent.
4. The Respondent is, at today's date, in arrears in the amount of £1617.

Reasons For Decision

The Findings in Fact show that the conditions of Ground 12 are met.

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.

Alison Kelly

Legal Member/Chair

11/5/19

Date