

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(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/19/1440

**Re: Property at 13A South Crescent Road, Adrossan, KA22 8DY (“the
Property”)**

Parties:

**Mr Colin Shearer, Mrs Karen Shearer, 573 Felixstowe Road, Ipswich, Suffolk,
IP3 8TE (“the Applicant”)**

**Mr Fraser Hair, 13A South Crescent Road, Adrossan, KA22 8DY (“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 Agent lodged an application, on 10th May 2019, under Rule 109 of the Tribunal’s Rules, seeking eviction of the Respondent from the Property.

Lodged with the Application were:

1. Copy Tenancy Agreement dated 26th October 2018, with a commencement date of 26th October 2018;
2. Copy Notice To Leave and proof of service
3. Copy section 11 Notice
4. Rent Statement

Case Management Discussion

The Applicant was represented by Caitlin Hadow, Team Manager, and Danielle Burke, Property Manager of Countrywide Residential Lettings. The Respondent did not appear and was not represented.

Miss Hadow presented the application. She said that at the time the Notice was served the Respondent was in arrears in the amount of 2.5 months in arrears. At the time the application was lodged the Respondent was in arrears of £1750.. At today's date the Respondent was in arrears of £3500. Miss Hadow moved for the eviction order to be granted.

The Chairperson enquired as to whether she had any knowledge of the Respondent having made any application for benefits. Miss Hadow confirmed that she had no such knowledge, and that the Respondent had not been in touch at all.

Findings In Fact

1. The parties entered in to a Tenancy Agreement in respect of the property;
2. The monthly rental was £750;
3. At the date of service of the Notice To Leave, 27th March 2019, the rent was in arrears by £2000, and had been in arrears for three months;
4. At today's date the rent was in arrears by £3500..

Reasons For Decision

The Applicant has established that Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 has been met, and it is therefore mandatory to grant the 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

Date

8/7/19