



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/20/0776

Re: Property at 18 Dunmore Street, Dundee, DD3 0EQ (“the Property”)

Parties:

Mr Alexander Singers, 7 Grampian Gardens, Arbroath, Angus (“the Applicant”)

Ms Emma Davis, Ms Jayde Stewart, 18 Dunmore Street, Dundee, DD3 0EQ (“the Respondents”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicant.

Background

The Applicant holds the landlord's interest and the Respondents the tenant's interest under a private residential tenancy agreement dated 4 and 5 March 2019.

The Applicant wishes possession of the Property to be granted in his favour in respect of the Respondent's failure to pay rent.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place by conference call on 14 August 2020. The Applicant was represented by his letting agent, Jennifer Davidson. The Respondents were neither present nor represented. The Tribunal was satisfied that notification of the hearing had been given to the Respondents. The Respondents have taken no part in any stage of the proceedings.

The Applicant had presented an application to amend to include the most recent rent outstanding but that formal application is unnecessary as part of the current eviction application since no award of rent arrears is being made. The Applicant is, of course, at liberty to raise a separate application for payment of the arrears.

Findings in Fact

The Applicant holds the landlord's interest and the Respondent the tenant's interest under a private residential tenancy agreement dated 4 and 5 March 2019.

The Tenancy Agreement provides that rent is due at the rate of £550 per month.

The sum of £5753.15 is outstanding by the Respondent to the Applicant in respect of unpaid rent.

At the time of serving notice to leave on 23 January 2020 more than three months' rent was outstanding.

Rent arrears have increased since that time until the present day.

Reasons for Decision

At the date of the CMD the Respondents are in arrears of more than one month's rent and have been in arrears for a continuous period of more than three consecutive months. The Tribunal accordingly requires to make an order in terms of section 51(2) of the 2016 Act.

Decision

An order for possession of the Property will be made in favour of the Applicant.

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.

John McHugh, Legal Member/Chair

Date 14 August 2020