



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/19/1632

Re: Property at 22A Elliot Street, Arbroath, DD11 3BZ (“the Property”)

Parties:

Mr Stephen Macqueen, 40 Balgarthno Terrace, Dundee, DD2 4RE (“the Applicant”)

Mr Kristopher Phillip Buick, 22A Elliot Street, Arbroath, DD11 3BZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

- **This matter called for a Case Management Discussion on 14 August 2019 at 10am in Caledonian House, Greenmarket, Dundee, DD1 4QX. The Applicant was represented by Ms McIntosh of Angus Glen Properties. The Respondent was personally present. The Application called alongside a related case regarding an Application for a Payment Order.**
- **Ms McIntosh invited the Tribunal to make an Eviction Order and lodged an up to-date rent statement confirming that the current level of rent arrears due was now £4,150.00. The Respondent confirmed that this figure was an accurate calculation of his rent arrears. The Respondent asked the Tribunal to decline to make an Eviction Order and to give him further time to settle his rent arrears.**
- **The Application was based on Grounds 12 of Schedule 3 of the Private Housing (Tenancies) Scotland Act 2016. A Notice to Leave had been adequately served providing the Respondent with the requisite period of notice. Notice had been given to the relevant local authority as per s11 of the Homelessness etc (Scotland) Act 2003. It was apparent from**

hearing from the parties, that the Respondent has been in rent arrears for three or more months and that at today's date a sum greater than one month's rent was due. The Respondent had also been in arrears for a continuous period of three or more months at today's date.

- The Respondent was asked to confirm how the arrears had arisen. Reference was made to relationship breakdown and ill-health. The Tribunal concluded that the arrears were not a consequence of any delay or failure in the payment of a relevant benefit. The Tribunal therefore considered Grounds 12 to be engaged and made an 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.

Andrew Mclaughlin

Legal Member/Chair

14/8/19

Date