



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/22/3007**

**Re: Property at 9 Skateraw Cottages, Dunbar, East Lothian, EH42 1QR (“the  
Property”)**

**Parties:**

**Mr George Mortimer, Mrs Elizabeth Mortimer, 8 Skateraw Cottages, Dunbar, East  
Lothian, EH42 1QR (“the Applicants”)**

**Ms Amy Crozier, 9 Skateraw Cottages, Dunbar, East Lothian, EH42 1QR (“the  
Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Leslie Forrest (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicants are entitled to the Order sought for  
recovery of possession of the property.**

**Background**

1. The Applicants submitted an application under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order to evict the Respondent from the property.
2. By decision dated 20 September 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicants on 23 September 2022. The Tribunal intimated the application to the parties by letter of 29 November 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told

that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 20 December 2022. No written representations were received.

### **The case management discussion (“CMD”)**

4. Mr Mortimer joined the CMD, representing himself and his wife. The case management discussion took place by conference call and proceeded in the absence of the Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/22/3008. Although the tenancy agreement provides for rent being paid at the rate of £320 per month, the Applicants reduced the rental charge to £300 per month in September 2015 as a gesture of goodwill. The Applicants have never increased the rental charge in the period of almost 10 years that the Respondent has occupied the property. The Respondent lives alone in the property with her 2 dogs. She is in receipt of universal credit. Since the application was submitted, the housing element from universal credit has increased to £300 per month and that has covered the ongoing rental charge. In addition, the Applicants have received a payment of £9 per week which has been deducted directly from the Respondent’s benefits. The effect of these payments has been to reduce the rent arrears to £1,299.09. Notwithstanding the reduction in rent arrears, the Applicants sought an order for eviction to allow them to recover possession of the property. The Applicants’ intention is to rent the property again in the event of an order being granted. It was submitted that it was reasonable in all of the circumstances to grant the order for eviction.

### **Findings in Fact**

5. The parties entered into a short assured tenancy which commenced 9 June 2013.
6. The Applicants served a Notice of Proceedings (form AT6) and a Notice to Quit on the Respondent by sheriff officer on 7 June 2022.
7. The Respondent has incurred rent arrears totalling £1,299.09.
8. As at the date of service of the Notice of Proceedings and at the date of the CMD, at least 3 months’ rent is lawfully due by the Respondent.

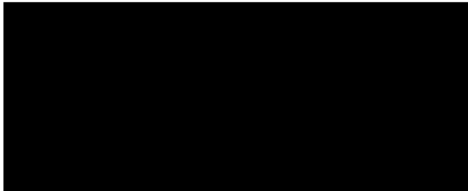
### **Reason for Decision**

9. The Tribunal proceeded on the basis of the written documents which were before it. The Applicants invited the Tribunal to make the Order sought. The Applicant relied upon Ground 8 of Schedule 5 of the Housing (Scotland) Act 1988. The Respondent has been in arrears of rent for some time and owes

more than 3 months' rent. The Respondent failed to submit any written representations and failed to take part in the case management discussion. There was nothing before the Tribunal challenging or disputing any of the evidence before it. There was nothing to indicate that the Respondent disputed the level of rent arrears as set out in the rent statement. The Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent from the property.

### **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**

**24 January 2023**  
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**Date**