

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 19 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/22/3930

Re: Property at 20E Inchinnan Court, Inchinnan Road, Paisley, PA3 2RA (“the Property”)

Parties:

Piranha Capital, C/o Best 2 Let, Flat 4/2, 826 Maryhill Road, Glasgow (“the Applicant”)

Mr Duncan Livingston, 20E Inchinnan Court, Inchinnan Road, Paisley, PA3 2RA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order.

Background

The Applicant seeks an Eviction Order on the basis of Grounds 8,11 and 12 of Schedule 5 of the Act. The Application is accompanied by a copy of the relevant Short Assured Tenancy, the Form AT6 relied upon together with proof of service, evidence of the rent arrears founded upon and evidence of compliance with s11 of the Homelessness (Etc.) (Scotland) Act 2003.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 8 February 2023. The CMD called alongside a related Application in respect of a Payment Order between the parties. The Applicant was represented by Ms Sylvie Holubova of Best 2 let. There was no appearance by or on behalf of the Respondent. On the basis that the Application and information about how to join the conference call had been competently served on the Respondent by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent. Having considered the Application and having heard from Ms Holubova, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant let the Property to the Respondent on a Short-Assured Tenancy that commenced on 10 November 2016;*
- II. *The contractual monthly rent was £375.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *The Applicant competently served a Notice in Form AT6 in respect of grounds 8,11 and 12 of Schedule 5 of the Act. The Notice was served on the Respondent on 21 June 2022 and called upon the Respondent to vacate the Property by 10 October 2022;*
- V. *Grounds 8, 11 and 12 of Schedule 5 of the Act were established at the time of service of the Notice to Leave and remain established as at today's date. No rent has been received since March 2022 and the arrears are currently in the sum of £4,625.81. Given that the tenancy agreement fully incorporated the grounds upon which this Application may be brought, there was no requirement for a Notice to Quit to be served but in any event a Notice to Quit was also served along with the Form AT6.*
- VI. *The Respondent has failed to engage with the Applicant. The Applicant has made efforts to communicate with the Respondent by sending letters and attending at the Property but these efforts have been completely ignored;*
- VII. *The Applicant has complied with s11 of the Homelessness (Etc) (Scotland) Act 2003;*
- VIII. *It is reasonable that an Eviction Order is made.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant 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

8 February 2023

Date