



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/22/4009

Re: Property at 53 Rosewell Drive, Lochore, Lochgelly, KY5 8DP (“the Property”)

Parties:

Ore Valley Enterprises Ltd, 114/116 Station Road, Cardenden, KY5 0BW (“the Applicant”)

Mr William Baxter, 53 Rosewell Drive, Lochore, Lochgelly, KY5 8DP (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted.

Background

1. The applicant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) by application dated 3 November 2022.
2. Accompanying the application were the following documents:
 - (a) Private Residential Tenancy Agreement
 - (b) Notice to Leave
 - (c) Recorded delivery receipt relating to Notice to Leave
 - (d) Rent Statement
 - (e) Section 11 Notice
 - (f) Email to Local Authority intimating Section 11 Notice
 - (g) Pre-action requirements letter

3. The application was received by the tribunal on 4 November 2022.
4. Certain further information was sought from the applicant.
5. On 20 December 2022 the application was accepted for determination.
6. The application was served by sheriff officers on the respondent on 10 January 2023.
7. There was no representations provided by the respondent.

Case Management Discussion

1. At the case management discussion Ms Donnelly solicitor from TC Young attended on behalf of the applicant. There was no appearance by or for the respondent.
2. The applicant set out the position namely that the respondent was due to pay rent at the rate of £499.92 per calendar month. As at the date of the application arrears stood at the sum of £4,522.47. The respondent has been in arrears of an amount greater than one month's rent under the tenancy for three or more consecutive months. The rent statement confirmed this.

Findings in Fact

1. The parties entered into a Private Residential Tenancy Agreement for the property at 53 Rosewell Drive, Lochore, Lochgelly KY5 8DP.
2. The Private Residential Tenancy Agreement was signed on 14 August 2019.
3. Rent was due to be paid at the rate of £499.92 payable monthly and in advance.
4. At the date of the application arrears were in the sum of £4,522.47.
5. The respondent has been in arrears of rent for an amount equal to or greater than the amount which will be payable as one month's rent under the tenancy and has been in rent arrears for three or more consecutive months.

Reasons for decision

1. The paperwork provided by the applicant was in order. The rent statement disclosed that as at 14 October 2022 rent was outstanding in the sum of £4,522.47. Rent has been continuously outstanding since 1 August 2021 and the amount outstanding has been at a sum equal or greater than the

monthly rent of £489.25 since then. Accordingly on the basis of the rent statement the respondent has been in continuous arrears of rent.

2. In terms of reasonableness the respondent was a single man without dependants. To the best of the Applicant Representative's knowledge, the Respondent does not suffer from any condition which renders him vulnerable. The Applicant Representative demonstrated that the Applicant had made extensive efforts throughout the course of the tenancy to work towards solutions to regularise the rent account. By contrast, the Respondent appeared not to have reciprocated and the tenancy was characterised by lengthy periods of non-engagement, not only with the Applicant, but also with Advice agencies to which he was referred.

Decision

To make an order for eviction.

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.

Mark Thorley

23 February 2023

Legal Member/Chair

Date