



**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/20/0932**

**Re: Property at 131a South Street, Armadale, Bathgate, EH48 3JT (“the Property”)**

**Parties:**

**Ms Janice Leary, c/o 28 Castle Road, Bathgate, West Lothian, EH48 2UB (“the Applicant”)**

**Mr James Alistair Wilson, 131a South Street, Armadale, Bathgate, EH48 3JT (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

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

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

At the Case Management Discussion (“CMD”) the Applicant was not in attendance but was represented by Ms Donnelly of Bannatyne Kirkwood France & Co. The Respondent was neither present nor represented.

**Background**

- The Applicant is the heritable proprietor of the Property.
- The Respondent is the tenant of the Property in terms of a Tenancy Agreement signed on 3 July 2019 (“the Tenancy Agreement”).
- The start date of the tenancy is stated in the Agreement to be 4 July 2019.
- The Tenancy Agreement is a Private Residential Tenancy Agreement under the Private Housing (Tenancies)(Scotland) Act 2016 (“the Act”).
- In terms of the Agreement the rent payable by the Respondent was stated to be £550 per month payable in advance on the 4<sup>th</sup> day of each month.

- The Applicant per her agents, Let Alliance Limited, served on the Respondent a valid Notice to Leave dated 6 February 2020. The end of the notice period in terms of the Notice to Leave was 8 March 2020.
- The Respondent remains in occupation of the Property.
- As at the date of the Application to the Tribunal the rent arrears accrued were £2,750.

## **The Case Management Discussion**

### **Submissions for the Applicant:-**

At the CMD the Applicant's Representative stated:-

- That KJB Housing Limited is a company in which the Applicant's daughter is a Director and which the Applicant authorises to enter into tenancy agreements on her behalf. Reference was made to the letter of authority signed by the Applicant and included within the papers.
- That Let Link (Bathgate) Limited is an independent Letting Agent employed by KJB Housing Limited.
- That Let Alliance Limited is an entity instructed by the Applicant's insurers to issue a Notice to Leave.
- That the Respondent had made no payments of rent since October 2019 and that the total rent outstanding as at 29 July was £4,950 with a further payment of rent having fallen due thereafter.
- That the Respondent has completely failed to communicate.
- That the Applicant seeks an order for the eviction of the Respondent.

### **Reasons for Decision**

- There exists between the parties a Private Residential Tenancy.
- A Notice to Leave has been properly served.
- The Respondent has been in arrears of rent for a continuous period of more than three consecutive months.
- The Respondent is due total arrears of rent that exceed one month's rent.
- The Respondent has had due intimation of this Application in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.
- The terms of Ground 12 of Part 3 of Schedule 3 of the Act are met and the Tribunal must therefore issue an eviction order.

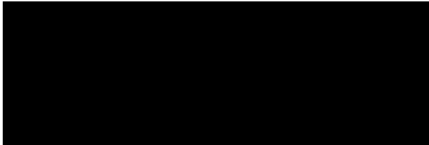
### **Decision**

The Applicant is entitled to an order for eviction and the Tribunal made an order to that effect.

### **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.**



**12 August 2020**

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**Legal Member/Chair**