

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 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/2177

Re: Property at 28 Woodside Terrace, Dundee, DD4 9AS (“the Property”)

Parties:

Mrs Maureen Duke, 22 Gillies Place, Broughty Ferry, Dundee, Angus, DD5 3LE (“the Applicant”)

**Ms Maxine Edgar, Mr Paul Macready, 28 Woodside Terrace, Dundee, DD4 9AS;
UNKNOWN, UNKNOWN (“the Respondent”)**

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order in terms of grounds 12 and ground 12A of schedule 3 of the said Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave relied on with proof of service. Rent statements are also produced along with evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020* and the *Homelessness (etc) (Scotland) Act 2003*.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 15 November 2023. The Applicant was represented by Mr David Duke, the Applicant’s husband. The First Respondent had received service of the Application by means of service by Sheriff Officers. The Second Respondent’s whereabouts could not be reasonably established and permission for service of the Application on him by means of advertisement on the Tribunal’s website had previously been granted. The Respondents were not present at the CMD. The Tribunal decided to proceed in their absence.

[4] Having heard from Mr Duke, the Tribunal made the following findings in fact.

Findings in fact

1. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy Agreement;
2. The Respondents have fallen into substantial rent arrears and at today's date the sum of £11,169.00 is lawfully due as rent arrears by the Respondents to the Applicant;
3. The Respondents have not engaged with the Tribunal process;
4. The Applicant has complied with the requirements of the *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020* and the Homelessness (etc) (Scotland) Act 2003;
5. Ground 12 and ground 12A are established and it is reasonable to make an Eviction Order;

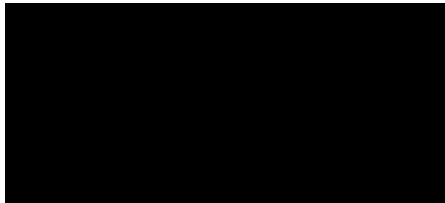
Decision

[5] Having made the above findings in fact, the Tribunal granted the Application 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.



Legal Member/Chair

15 November 2023

Date