



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section under Section 51 of the  
Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/23/2281**

**Re: Property at 85 Earn Crescent, Dundee, DD2 4BS (“the Property”)**

**Parties:**

**Makar Holding Limited, 1 Old Skene Road, Kingswells, Aberdeen, AB15 8QA  
 (“the Applicant”)**

**Miss Donna Marnie, 85 Earn Crescent, Dundee, DD2 4BS (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member) and Elizabeth Williams (Ordinary  
Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an Order for Eviction be granted against the  
Respondent.**

**Introduction**

1. This is an application under Rule 109 and Section 51 of the Private Housing (Scotland) Act 2016 for an Eviction Order under Grounds 8 and 13 of Schedule 3.
2. No person may serve a charge for removing in respect of the order nor execute the decree until **either** the earlier of the end of a period of 6 months beginning with the day on which the order was granted, **or** the expiry or suspension of the provisions of the Act. The Act initially applied until 31 March 2023 but has been extended to 31 March 2024.

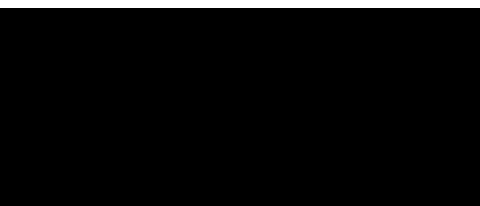
3. The respondent is the tenant. She entered into a tenancy agreement which specifies that £575 is due in respect of rent each calendar month payable in advance.
4. The applicant asserts that the respondent, at the time of the application, had accrued rent arrears in the sum of £3,070.00. The ground for the eviction order relied upon by the applicant is ground 8 which provides the tribunal with discretion to grant the eviction order if we were satisfied that rent arrears had accrued of more than three months and it was reasonable to grant the eviction order.
5. The two-member case management discussion took place at 10.00 am on 10 November 2023 by teleconference. The applicant joined the hearing.
5. The respondent has failed to engage with the application. We decided to continue with the hearing in her absence after satisfying ourselves that the papers had been properly served on the respondent and that she was notified of today's CMD and having regard to the overriding objective.
6. Since the coming into force of the Coronavirus (Scotland) Act 2020, all eviction grounds are discretionary. Additionally, the notice periods have been extended by virtue of the 2020 Act. The relevant notice period is now 3 months. We were satisfied that proper notice had been given.
7. The applicant informed us that the respondent had not been in touch with him for many months and despite trying to enter into an agreement to pay rent arrears, she has failed to engage with him in anyway.
8. He has been trying since January 2023 to arrange for a gas inspection as required by law. He has provided her with details of the person who would inspect the appliances but she has taken no steps to arrange this. This has meant that he has not been given access to the property.
9. He also informed us that the failure to pay rent is causing him financial distress as he is having to pay for the property out of his own money.
10. He is not aware of the respondent's personal circumstances however he has heard from neighbours that she appears to be working for the NHS as can be established from the uniform that she wears. She has made some payments towards her rent arrears and the outstanding amount as at today's date is £1,195.

### **Analysis and conclusion**

11. Having considered all of the information individually and together, we were satisfied that the applicant is entitled to the payment of £575 per calendar month and that significant rent arrears have accrued over a significant period of time, such that it is reasonable to grant the eviction order.
12. As at the current date, the amount of rent arrears outstanding totals £1,995.00. The respondent has expressed no intention of paying that sum within a reasonable timescale.
13. We were satisfied that the respondent has failed to engage with the application in anyway. For that reason, we had no information before us to indicate that there were any particular such circumstances to find that the granting of the order would not be reasonable.
14. We were satisfied that the making of an Eviction Order was reasonable in all of the circumstances, having regard to all the information before us.
15. In relation to ground 13, we were not satisfied that the sufficiency of evidence has been presented to sure that the respondent had been asked to give access to the property over time. Accordingly, an order under this ground has been refused.

### **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**  
**Date 10 November 2023**