



**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/23/3196**

**Re: Property at 69 Fairview Drive, Danestone, Aberdeen, AB22 8ZL (“the Property”)**

**Parties:**

**Mr Alexander Davidson, Ms Carol Davidson, 1 Corunna Grove, Bridge of Don, Aberdeen, AB23 8FA (“the Applicant”)**

**Mr Andrew Curwen, 69 Fairview Drive, Danestone, Aberdeen, AB22 8ZL (“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 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 2pm on 15 November 2023. The Applicant was represented by Mr Kingdon of Peterkins LLP. The Respondent had received service of the Application by means of service by Sheriff Officers. The Respondent was not present at the CMD. The Tribunal decided to proceed in his absence.

[4] Having heard from Mr Kingdon, 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 Respondent by virtue of a Private Residential Tenancy Agreement;
2. The Respondent has fallen into substantial rent arrears and at today's date the sum of £4,400.00 is lawfully due as rent arrears by the Respondent to the Applicants;
3. The Respondent has not engaged with the Tribunal process;
4. The Applicants have 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 12A is 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.



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Legal Member/Chair

15 November 2023

Date