



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/23/2299

Re: Property at 12 1/R Seamore Street, Largs, KA30 9AP (“the Property”)

Parties:

Mr Anthony Bebb, Catherine Bebb, 13 East Carlton Park, East Carlton, Market Harborough, LE16 8YD (“the Applicant”)

Mr Jamie Wilson, 12 1/R Seamore Street, Largs, KA30 9AP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (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 under grounds 1 and 12 of Schedule 3 of the Act. The Application is accompanied by: the tenancy agreement between the parties; the notice leave relied upon with proof of service; evidence of the rent arrears founded upon; the notice in terms of s11 of the Homelessness (etc) (Scotland) Act 2003 and evidence of the Applicant attempting to communicate with the Respondent regarding the rent arrears. The Respondent has not engaged with the Tribunal process.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 1 November 2023. The Applicants were represented by Mr Haswell of James Guthrie & Co Solicitors. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the CMD had been served on the Respondent by Sheriff Officers. Accordingly, the Tribunal decided to proceed in the absence of the Respondent. Having heard from Mr Haswell, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicants let the Property to the Respondent by virtue of a Private Residential Tenancy;*
- II. *The contractual monthly rent was £350.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *The Applicants wish to sell the Property in part due to it no longer being financially viable as a result of the Respondent failing to pay rent and the mortgage costs being in excess of the contractual monthly rent in any event;*
- V. *The Applicants competently served a Notice to Leave in terms of ground 1 and ground 12 of Schedule 3 of the Act;*
- VI. *Both grounds relied upon are established;*
- VII. *The Tribunal are content that, on balance, a satisfactory attempt has been made to comply with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- VIII. *It is reasonable that an Eviction Order is granted.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal decided to grant 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.

A McLaughlin

Legal Member/Chair

1 November 2023

Date