



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/23/1498

Re: Property at 118 Cullen Park, Cullen Drive, Glenrothes, Fife, KY6 2JL (“the Property”)

Parties:

Mr Gary Payne, 89 Otley Old Road, Leeds, LS16 6HG (“the Applicant”)

Ms Claire Cook, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Jane Heppenstall (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 ground 12A of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, the relevant notice to leave and proof of service, a rent statement, 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 29 November 2023. The Applicant was personally present. The Respondent's current whereabouts could not be reasonably ascertained. The Tribunal had previously granted permission for service of the Application to be effected on the Respondent by means of advertisement on the Tribunal's website. That had also then been effected. The Respondent was not present. The Tribunal decided to proceed in the absence of the Respondent.

[4] The Tribunal discussed all aspects of the Application with the Applicant. Having done so, the Tribunal made the following findings in fact.

- I. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent;*
- II. The Respondent fell into rent arrears;*
- III. The Applicant competently served a notice to leave under Ground 12 A of Schedule 2 of the Act;*

- IV. *The Applicant has complied with The Rent Arrears Pre-Action Requirements (Coronavirus) Scotland Regulations 2020 and the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent has not paid any rent since February 2022;*
- VI. *The Respondent is in current rent arrears of £12,646.15;*
- VII. *Ground 12A of Schedule 3 of the Act is established;*
- VIII. *The Respondent has not engaged in the Tribunal process;*
- IX. *The Respondent is thought to reside alone in the Property;*
- X. *The Respondent appears to have no regard for her obligations to pay rent to the Applicant;*
- XI. *It is reasonable to make an Eviction Order.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

Right of Appeal

[6] 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

29 November 2023

Date