



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

Chamber Ref: FTS/HPC/EV/23/3031

Re: Property at 53F Longrow, Campbeltown, Argyll, PA28 6ER (“the Property”)

Parties:

Real Estate Wealth Development Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3 8BH (“the Applicant”)

Mr Kevin McCallum, 53F Longrow, Campbeltown, Argyll, PA28 6ER (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that: (i) the Respondent is in substantial rent arrears within the meaning of Ground 12A of the Private Housing (Tenancies) (Scotland) Act 2016; (ii) it is reasonable to grant an eviction order under Ground 12A; and (iii) the Private Residential Tenancy shall terminate on 12 January 2024.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 12 December 2023 alongside the related Application CV/23/3028. The Applicant was represented by Mr Rennie, trainee solicitor. The Respondent was neither present nor represented.
2. In this Application, the Applicant seeks an eviction order under Ground 12A of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant says that the Respondent is in substantial rent arrears, which is to say that the cumulative amount of his rent arrears is in excess of 6 months’

rent. In the related Application, the Tribunal was satisfied that the Respondent was in arrears of £6,233.02. The weekly rent payable was £84.23, which means that six months' rent is £2,189.98. It follows that the Respondent owes significantly more than six months' rent. The only outstanding question to consider is whether it is reasonable to grant the eviction order.

3. Mr Rennie submitted that all attempts to engage with the Respondent had been unsuccessful. As such, he was unable to offer any up to date information on the Respondent's personal circumstances. To the best of his client's knowledge, the Respondent resides at the Property alone and without any dependents. The Property has not been adapted for the Respondent's use. The Applicant has a portfolio of rental properties, but there is outstanding finance secured against this Property. No rent has been received since June 2022. In all of the circumstances, Mr Rennie submitted that it was reasonable to grant the eviction order.
4. In terms of Rule 17(4) of the Rules, the Tribunal has the power to do anything at a CMD that it may do at a Hearing, including make a decision. In terms of Rule 2, when making a decision the Tribunal must have regard to the overriding objective to deal with proceedings justly, including by avoiding unnecessary delay.
5. The Respondent has had an opportunity to oppose the Application, either by lodging written representations in opposition or by attending the CMD to dispute the contents of the application. He has chosen not to do either. In the circumstances, the Tribunal is satisfied that the assertions made by the Applicant in the Application are not in dispute. The Respondent has offered no contrary position on the question of whether it is reasonable to grant the eviction order.
6. Accordingly, the Tribunal was satisfied that the Respondent is in substantial rent arrears within the meaning of Ground 12A, and that it was reasonable to grant the eviction order. The Tribunal therefore granted the order. For the purposes of section 51(4) of the 2016 Act, the tenancy shall come to an end on 12 January 2024.

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

13th December 2023

Date