



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/23/2912

Re: Property at 2 Skelton Street, Peterhead, Aberdeenshire, AB42 1HR (“the Property”)

Parties:

D7 Investments, 12 Friarhill Crescent, Peterhead, Aberdeenshire, AB42 3PP (“the Applicant”)

Mr Jordan McGregor Summers, 2 Skelton Street, Peterhead, Aberdeenshire, AB42 1HR (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property.

Background

1. By application dated 23 August 202 the Applicant’s representatives Stonehouse Sales and Lettings, Kemnay, Aberdeenshire, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 12A of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant’s representatives submitted a copy of a tenancy agreement, Notice to Leave, Section 11 Notice and pre-action letters Letter together with other documents in support of the application.
2. Following further correspondence between the Applicant’s representatives and the Tribunal administration by Notice of Acceptance dated 21 December

2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 18 January 2024.

The Case Management Discussion

4. A CMD was held by teleconference on 7 March 2024. The Applicant was represented by Ms Greeney from the Applicant’s representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that the Respondent had been given proper intimation of the CMD determined to proceed in his absence.
5. Ms Greeney confirmed that the Respondent had entered into a Private Residential Tenancy that had commenced on 16 May 2022 at a rent of £350.00 per calendar month. She also confirmed that the Respondent had fallen into arrears early in the tenancy and no rent had been paid since April 2023.
6. The Tribunal noted that a Notice to Leave had been served on the Respondent under Ground 12A of Schedule 3 of the 2016 Act on 17 July 2023 and at that time the Respondent owed rent of £2150.00. The Tribunal also noted that as at 16 February 2024 the rent due had increased to £4600.00.
7. The Tribunal also noted that a pre-action letter had been sent to the Respondent by the Applicant’s representatives in February 2023 and Aberdeenshire Council had been given notice of the proceedings by way of a Section 11 Notice on 21 August 2023.
8. Ms Greeney confirmed that the Respondent continued to occupy the property and believed that he was in employment. In response to a query from the Tribunal Ms Greeney said that the Respondent lived alone in the property and had no dependants. Ms Greeney confirmed that the Applicant owned several rental properties.

Findings in Fact

9. The Respondent commenced a Private Residential Tenancy of the property on 16 May 2022.
10. The Respondent has paid no rent since April 2023.
11. The Respondent owed rent amounting to £2150.00 on 17 July 2023

12. A Notice to Leave under Ground 12A of Schedule 3 of the 2016 Act was served on the Respondent on 17 July 2023.
13. A Section 11 Notice was sent to Glasgow City Council on 24 August 2023.
14. As at 16 February 2024 the Respondent owed rent of £4600.00.
15. The Respondent lives alone in the property.
16. The Applicant has a number of investment properties.

Reasons for Decision

17. The Tribunal was satisfied from the documents submitted and the oral submissions of the Applicant's representative that the Respondent entered into a Private Residential tenancy that commenced on 16 May 2022. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 12A of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Aberdeenshire Council by way of a Section 11 Notice and that an appropriate pre-action letter had been sent to the Respondent.
18. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be made. In reaching a decision on reasonableness the Tribunal took account of the fact that despite being given an opportunity to submit written representations and also to attend the CMD the Respondent chose to do neither. The Tribunal also took into account that the Respondent has paid no rent for some eleven months and there is now more than 12 months' rent due. Given that it is reasonable for the Applicant to expect a return on its investment and given the extremely high level of rent arrears and that the Respondent lives alone in the property with no dependants the Tribunal is satisfied that in the circumstances it is reasonable to grant the order sought under Ground 12A of Schedule 3 of the 2016 Act.

Decision

19. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for the eviction of the Respondent from the property.

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.

7 March 2024

Legal Member/Chair