



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/23/4025

Re: Property at 9 Ericht Drive, Dunfermline, Fife, KY11 8XF (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Centre, Pentland Drive, Glenrothes, KY6 2DA (“the Applicant”)

Miss Katie Blair, 9 Ericht Drive, Dunfermline, Fife, KY11 8XF (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 13th November 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12A of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 29th January 2024 all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th March 2024 at 10am by teleconferencing. The letter also requested all written representations be submitted by 19th February 2024.

3. On 30th January 2024, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent. This was evidenced by Certificate of Intimation dated 30th January 2024.
4. On 28th February 2024, the Applicant' solicitor emailed the Housing and Property Chamber to increase the amount sought to £7889.38.
5. This case is conjoined with FTS/HPC/CV/4026.

The Case Management Discussion

6. A CMD was held 18th March 2024 at 10am by teleconferencing. The Applicant was represented by Mrs Claire Mullen, Solicitor, TC Young. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
7. Mrs Mullen told the Tribunal that there has been no contact from the Respondent. She said that since February 2023 the Applicant has sent four emails, attempted six phone calls, sent one text, done one home visit and sent three letters. The Respondent has made no response to any of this correspondence.
8. Mrs Mullen said that the Applicant had received an email from the DWP on 1st February 2024 regarding a Universal Credit Housing Element claim. The Applicant's name was incorrect on the information. The Applicant emailed the Respondent with the correct name details together with an up to date rent account. There has been nothing further from the Respondent and no payments from the DWP. It is assumed by the Applicant that the claim is no longer in process. It is presumed from this that the Respondent is now in employment again.
9. Mrs Mullen referred to her email of 28th February 2024 asking for the amount sought to be increased to £7889.38. She said that the arrears are currently £8435.25.
10. Mrs Mullen told the Tribunal that the Respondent is a single person aged 24 years old. She was believed to be in employment in February 2023. She has broken three payment agreements and has been defaulting her rent payments since almost the start of the tenancy. Mrs Mullen did not believe that the Respondent had any vulnerabilities that would prevent an order for eviction being granted.
11. The Tribunal was satisfied that the outstanding amount for £7889.38 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 29th November 2021.

13. The Respondent persistently failed to pay her rent charge of £545.87 per month. The rent payments are due to be paid on twenty fourth day of each month.
14. The last payment made was in December 2023 for £280 which is less than the monthly rent charge.
15. The Respondent has broken three payment agreements.
16. The arrears sought in the conjoined case total £7889.38. The arrears have since increased beyond that amount to £8435.25.
17. The Respondent has substantial rent arrears which equate to approximately 15 months arrears.
18. There are no issues of reasonableness that prevent an order from being granted.

Decision

19. The Tribunal found that ground 12A has been established and granted an order in favour of the Applicant.

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.

18th March 2024

Legal Member/Chair

Date