



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/23/4334

Re: Property at Flat 10, 10 South Carron Wynd, Edinburgh, EH6 7FP (“the Property”)

Parties:

PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Greg Pearson, Flat 10, 10 South Carron Wynd, Edinburgh, EH6 7FP (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 2pm on 30 May 2024, by teleconference. The Applicant was represented on the call by Mr O’Donnell of Patten & Prentice LLP, solicitors. The Respondent was not on the call or represented.

Notice of the CMD, along with a copy of the application, was served on the Respondent by sheriff officers on 18 April 2024. There has been no communication from him since then. The Tribunal concluded that he was aware of the CMD, but had

chosen not to attend or oppose the application; and that it was fair to proceed in his absence.

- Findings in Fact

The following facts set out in the application formed the basis for the Tribunal's decision:

1. The Respondent lets the Property from the Applicant in terms of a private residential tenancy agreement with a start date of 28 September 2022.
2. In terms of that tenancy agreement, at the outset, rent of £825 was due on the first of each month.
3. The Respondent fell into arrears of rent on 1 November 2022 and has remained in arrears since that date.
4. The rent was increased to £849.75 per month from 4 July 2023 by notice dated 1 April 2023.
5. On 19 September 2023, the Applicant sent a letter to the Respondent complying with the requirements of the pre-action protocol prescribed by the Scottish Ministers for rent arrears cases.
6. On 6 October 2023, the Applicant sent a notice to leave to the Respondent, indicating that it intended to seek an order for his eviction no sooner than 6 November 2023, on grounds 12 and 12A of schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act').
7. On that date, the Respondent was in arrears of rent of £6,521.64.
8. The arrears of rent are not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.

9. As at the date of the CMD, the arrears of rent were £12,469.89.

- Reasons for Decision

10. Grounds 12 and 12A are established on the facts as set out in the application and unopposed. The arrears in this case are very large and there has been no information presented to the Tribunal to suggest that it would be unreasonable for an eviction order to be granted. The Tribunal therefore concludes that it is reasonable to do so.

- Decision

Eviction order granted,

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

30th May 2024

Date