



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/24/0103

Re: Property at 5 Townhead Court, Strathaven, ML10 6AU (“the Property”)

Parties:

Mr Andrew Taylor, Ms Alison Taylor, 14 Smithycroft, Hamilton, ML3 7UL (“the Applicant”)

Mr John Donnelly, 5 Townhead Court, Strathaven, ML10 6AU (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (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 an Order for Eviction be granted against the Respondent.

INTRODUCTION

1. This is an application under Rule 109 and Section 51 of the Private Housing (Scotland) Act 2016 for an Eviction Order under Ground 12 of Schedule 3.
2. The Applicants are the Landlords and owners of the property. The Respondent is the Tenant. They entered into a Private Tenancy Agreement whereby the Respondent agreed to pay rent of £595 each calendar month, payable in advance.
3. The Applicant asserts that the Respondent has accrued rent arrears in the sum of £5,485.00 as amended on 24 May 2024. The period of notice required for an amendment is 14 days, which has not been given. This means that the rent arrears figure as properly notified to the Respondent is £4,890.00. The ground for eviction relied upon by the Applicant is Ground 12 which provides the Tribunal with discretion to grant the eviction order if we were satisfied that rent arrears had accrued of more than three months and it was reasonable to grant the order.
4. A two-member Case Management Discussion took place at 10.00 am on 3 June 2024 by teleconference. The Applicants joined the hearing.

5. The Respondent has failed to engage with the application. We waited until 1010am. We decided to continue with the hearing his absence after satisfying ourselves that the papers had been properly served on him, that he was notified of today's CMD and having regard to the overriding objective, it was fair and just to do so.
6. Mr Taylor informed us that rent arrears started to accrue almost from the outset. The last payment was made on 14 December 2023. The Respondent has made a number of agreements to pay the arrears and has failed to do so.
7. No information is known about the Respondent other than he uses the property himself and has no children living there. His children are adults. Mr. Taylor understood that the Respondent was a self-employed roofer and was in hospital for a short time but other than that, knows little about him.
8. Having considered all of the information, individually and together, we were satisfied that the Applicants are entitled to the payment of £595.00 per calendar month and that significant rent arrears have accrued over a significant period of time, such that it is reasonable to grant the Order.
9. The amount of rent arrears totals £4,890.00. The Respondent has expressed no intention of paying that sum. His actions in this respect are unreasonable.
10. We have not allowed recovery of the utility bills as they were not part of the Tenancy Agreement, were in the Applicants' names and no vouching has been provided.
11. As before, we were satisfied that the Respondent has failed to engage with the application in anyway. For that reason, we have no information before us to indicate that there are any particular such circumstances to find that the granting of the Order would not be reasonable.
12. We were satisfied that the making of an Eviction Order was reasonable in all of the circumstances, having regard to all the information before us.

CONCLUSION

13. An Order for Eviction is 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.


L Mulholland

Legal Member/Chair
Date 3 June 2024

