



**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/23/4304

**Re: Property at 3 Easter Dalmeny, Dalmeny, South Queensferry, EH30 9TT (“the
Property”)**

Parties:

**The Roseberry Estates Partnership, Dalmeny Estate Office, Dalmeny House,
South Queensferry, EH30 9TQ (“the Applicant”)**

**Ms Angela Reed, 3 Easter Dalmeny, Dalmeny, South Queensferry, EH30 9TT
 (“the Respondent”)**

Tribunal Members:

Mark Thorley (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

an order of eviction be granted

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

Background

The applicant applied to the First-Tier Tribunal for Scotland (Housing and Property Chamber) (‘The Chamber’) by application dated 30th November 2023.

Accompanying the application were the following documents:-

1. Private residential tenancy agreement dated 28th September and 1st October 2022.

2. Notice to Leave dated 20th July 2023
3. Rent Arrears Statement dated 14th July 2023
4. Covering email from Landlord's agent to tenant dated 20th July 2023 and proof of service
5. Pre-action protocol letter dated 2nd August 2023, covering email for the applicant, the respondent, and enclosures
6. Pre-action protocol letter dated 12th September 2023, covering email for applicant, the respondent, and enclosures
7. Section 11 notice and covering email sent to Edinburgh Local Authority dated 30th November 2023
8. Proof of service of Section 11 notice
9. Rent Arrears statement dated 13th November 2023

It was narrated in the application that rent arrears at 13th November 2023 were £4964.26 amounting to rent arrears of more than five months.

The ground of eviction sought was that the tenant was in rent arrears over three consecutive months.

The application was received by the tribunal on 5th December 2023.

On 4th January 2024 the application was accepted for determination.

A Case Management Hearing took place on 14th March 2024. There was no appearance by either party at that stage. The case was continued to a further Case Management Hearing on the 2nd of July 2024.

Case Management Hearing

At the Case Management Hearing on 2nd July 2024, Mr Beaucoup for the Appellant attended. There was no appearance by or for the Respondent.

The applicant's agent was able to confirm that the Respondent had never paid the full amount of rent. It was understood that she had three adult sons. She received housing benefit which was paid

direct to the Appellant but there was always a shortfall. She had not engaged with any of the pre-action protocols.

She was currently in rent arrears of £6018.58.

Findings in Fact

1. The Parties entered into a private residential tenancy agreement for the rental of the property at 3 Easter Dalmeny, Dalmeny, South Queensferry, EH30 9TT by agreement dated 28th September and 1st October 2020.
2. The Tenancy agreement commenced on 1st October 2023.
3. The Respondent was in rent arrears from the outset of the tenancy. The rent arrears at the time of the application to the First-Tier Tribunal were £4964.26. Rental payments were due to be made at the rate of £885 per month.
4. The respondent had been in rent arrears for considerably more than three months.

Reasons for the Decision

The Respondent did not attend at the Case Management Discussion and had not lodged any representations. It appeared that from the outset of the tenancy the respondent was in rent arrears and had continuously been in rent arrears. She received housing benefit. That was paid directly to the applicant but there was a shortfall. The shortfall was to the extent that by the time of the Case Management Hearing rent arrears of £6018.58 had accrued.

The applicants had attempted to enter into discussions with the Respondent without success. She was understood to have three adult children although it was unclear how many were living there.

There were no reasons for her not to be evicted.

Having considered the written evidence and the oral submissions made the Tribunal were satisfied that the Respondent was in rent arrears for more than three consecutive months and it was reasonable to evict.

Decision

to grant an order of eviction.

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.

Mark Thorley

Legal Member/Chair

Date 2nd July 2024