



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/23/3439

Re: Property at 20 Ochiltree Court, Glenrothes, Fife, KY6 2PE (“the Property”)

Parties:

Ms Fiona Featherstone, 52 Lawmill gardens, St Andrews, Fife, KY16 8QS (“the Applicant”)

Ms Veronica Ridley, 20 Ochiltree Court, Glenrothes, Fife, KY6 2PE (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Elizabeth Williams (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 her private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 11:30am on 17 June 2024, by teleconference. The Applicant was represented on the call by Mrs Myra Blaik, of Martin & Co, Kirkcaldy. The Respondent was not on the line and not represented. The commencement of the CMD was delayed by 10 minutes, to allow for any technical difficulty she may have been experiencing, but there remained no contact from her.

Notice of the CMD, along with the papers, was served on the Respondent by sheriff officers on 10 May 2024. The Tribunal was therefore satisfied that she was aware of the CMD, but had chosen not to attend or oppose the application.

- Findings in Fact

The following facts were relied on as unopposed by the Tribunal in reaching its decision:

1. The Respondent let the Property from the Applicant in terms of private residential tenancy with a start date of 31 October 2019.
2. In terms of the tenancy agreement rent of £550 was due each month.
3. On 8 July 2022, the Respondent fell into arrears of rent and, despite occasional payments, has not cleared the arrears since.
4. On 16 September and 3 October 2022, and 13 and 23 January 2023, the Applicant's agents sent letters to the Respondent in conformance with the pre-action requirements set out by Scottish Ministers for rent arrears cases.
5. On 11 July 2023, the Applicant's agents sent the Respondent a notice to leave, indicating an intention to rely on grounds 12 and 12A in any application for an eviction order to follow.
6. As at the date of the CMD, the Respondent's arrears stood £6,162.
7. The arrears are not wholly or partly due to a failure or delay in payment of any relevant benefit.
8. The Respondent lives at the Property with her student-aged daughter.
9. There have been various payment arrangements entered into in the past that have not been adhered to by the Respondent.

10. In attempting to engage with the Respondent in March 2024, the Applicant's agent had the door of the property slammed in her face and was told not to return.

- Reasons for Decision

11. Ground 12 (which is the only ground relied on in the application) is made out. The Respondent has been in arrears of rent for two years. It is reasonable to grant the order on account of that fact. The arrears are significant and, despite the pre-action protocol having been observed, the Respondent has now refused to engage with the Applicant in seeking to address them. There has been no evidence presented to suggest that the arrears are due to any issue with payment of benefits. An eviction order should therefore be granted.

- 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.

Nairn Young

18 June 2024

Legal Member/Chair

Date

