



As amended on 15 October 2024 by L.A. Mulholland, Legal Member

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/23/3515

Re: Property at 1 Mugiemoos Mews, Aberdeen, AB21 9FJ (“the Property”)

Parties:

Castlehill Solutions, 4 Carden Place, Aberdeen, AB10 1UT (“the Applicant”)

Mr Stephen Leslie, 1 Mugiemoos Mews, Aberdeen, AB21 9FJ (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant an Order for Possession

1. This is an application for an Order for Possession.
2. The Applicant Castlehill Housing Association (CHA) is a social landlord who manages 28 mid-market properties on behalf of Castlehill Solutions which is a subsidiary of CHA. The tenant has a Private Residential Tenancy Agreement. The Respondent is the sole tenant. He entered into a Tenancy Agreement with the Applicant on 13 July 2018. The Tenancy Agreement specifies that £490 is due in respect of rent each calendar month payable in advance. At the time of the CMD, The rent WAS £443.27pm.
3. A Case Management Discussion took place at 10.00 am on 5 April 2024 alongside an application for a Payment order. A Payment Order was granted in the sum of £2,698.88 in the Respondent’s absence. The Applicant was represented by Mrs Allison. She asked us to continue the application for an Order for Possession as the Applicant had entered into negotiations with the Respondent who had agreed to meet the ongoing rent liability alongwith an additional £100 every week towards the arrears.

4. The matter was continued to a Case Management Discussion today. Mrs Allison joined us again. The Respondent has failed to engage with the application or make contact with the Housing and Property Chamber. We decided to continue the discussion in the Respondent's absence after satisfying ourselves that all the relevant paperwork had been properly served on him and that he was notified of today's hearing. The Respondent had been notified that the Tribunal can make any decision at a Case Management Discussion that could be made at a hearing.
5. Mrs Allison informed us that the Respondent has not maintained the agreement. In April 2024, he paid £260 which left a shortfall towards the rent liability and paid nothing towards the arrears. In May 2024, he paid £420.00; in June 2024 he paid £340; in July 2024, he paid £210 and in August 2024 he has not paid anything. This means that rather than meeting his rent liability and paying something towards the arrears every month, that the rent arrears have increased to the sum of £3183.67.
6. The Applicant landlord has attempted to contact the Respondent on a number of occasions to try and find a solution as they want to avoid evicting the Respondent if there is any way forward. On 2 August 2024, a card was left at the property providing a date for a home visit and letting the Respondent know of the Tribunal decision.
7. A home visit took place on 12 August at 11:00 am, as notified, to discuss matters however the Respondent was not there. They have left e-mails, text and voice messages and called, but the Respondent has failed to engage. This has left them no option other than to ask the Tribunal to grant the Order for Possession.
5. Having considered all of the information individually and together, we decided to grant an Order for possession as it was reasonable to do so as the arrears are substantial and have accrued over a prolonged period and the agreement has not been adhered to.
6. An order for Possession was 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.

Lesley-Anne Mulholland

Legal Member/Chair

Date

19 August 2024

