



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/24/0863

Re: Property at 3A Urquhart Street, Aberdeen, AB24 5PL (“the Property”)

Parties:

Danta Realty Ltd, 42 Muirfield Crescent, Dundee, DD3 8PT (“the Applicant”)

Mr Liam Stuart Dargie, 3A Urquhart Street, Aberdeen, AB24 5PL (“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 a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 2pm on 30 August 2024, by teleconference. The Applicant was represented on the call by Jeffrey Livingstone, of Landlord Specialist Services Scotland. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes, in case of any technical difficulty; but there remained no contact from him.

A copy of the application and notice of the CMD was given to the Respondent by sheriff officers on 31 July 2024. The Tribunal was satisfied that he was aware of the

CMD and had chosen not to attend; and that it was therefore reasonable to proceed in his absence, on the basis the matter was undefended.

- Findings in Fact

The Tribunal considered the following undisputed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 9 February 2023.
2. In terms of the tenancy agreement, rent of £740 is due on the 8th day of each month.
3. The Respondent paid no rent in April, May and June of 2023; underpaid in August and September 2023; and has failed to make any payments since then .
4. On 6 October 2023, the Applicant sent the Respondent a notice to leave, stating that he would rely on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
5. On 27 December 2023 the Applicant sent the Respondent an email conforming with the pre-action requirements set out by Scottish Ministers for rent arrears cases.
6. As of the date of the CMD, the Respondent is in arrears of rent of £11,330.
7. The Respondent has not been in contact with the Applicant since service of the notice to leave.
8. The Respondent lives on his own and is understood to be in employment.

- Reasons for Decision

9. On the basis of the facts as above, the Tribunal considered that Ground 12 of Schedule 3 to the Act was satisfied. The Tribunal considered it reasonable to grant the order, in all the circumstances. The Respondent has been in arrears for a year and 4 months, which is a substantial period of time. He does not appear to have made any effort to bring down the arrears, which now stand at £11,330. It is not reasonable to expect a landlord to put up with arrears of this level on the account, with no engagement from the tenant and, therefore, no apparent prospect of them ever being addressed.

- 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.

30th August 2024

Legal Member/Chair

Date