



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/24/1236

Re: Property at 26 Craigie Crescent, Kirkwall, Orkney, KW15 1EP (“the Property”)

Parties:

Mr Ian Miller, Royal Oak House, Holm Road, Kirkwall, KW15 1PY (“the Applicant”)

Mr Keith Thomson, 26 Craigie Crescent, Kirkwall, Orkney, KW15 1EP (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Helen Barclay (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 12A of Schedule 3.
2. The applicant is the owner/landlord and the respondent is the tenant. He entered into a tenancy agreement which specifies that £575 is due in respect of rent each calendar month, payable in advance.
3. The applicant asserts that the respondent has accrued rent arrears, at the date of the application, in the sum of £5,500 which had increased to £14,400 by the time of the Discussion. The ground for an Eviction Order relied upon by the applicant is Ground 12A which provides the tribunal with discretion to

grant an eviction order if we were satisfied that rent arrears had accrued of more than three months and it was reasonable to grant the Eviction Order.

4. The two-member Case Management Discussion (CMD) took place at 10.00 am on 9 September 2024 by teleconference. The applicant joined the hearing and was represented by Miss Sutherland.
5. We waited until 1012am and established that the respondent had not made contact to advise of any difficulty he may have had. We were satisfied that he was properly notified of the hearing. It is helpful to state here that the discussion concluded at around 1020am and the respondent had not made contact by then.
5. The respondent has failed to engage with the application in any way. We took into account the extent of arrears and the length of time over which they had accrued. We decided to continue the Discussion in his absence after satisfying ourselves that the papers had been properly served on him and that he was notified of today's CMD. We had regard to the overriding objective.
6. The applicant's representative informed us that the respondent has not made any attempt to negotiate or bring down the arrears. There has been no payment since March 2023. He does not pick up his mail and they had to have Sheriff Officers serve notice. They understand that he did not answer the door to the Sheriff Officers and they located him at the back of the house. He has not engaged with the application in any way. He has no children and they understand that he made a claim for Universal Credit but has not passed any award of Housing Benefit, if it were made, to the landlord.
7. As stated before, we were satisfied that the respondent had failed to engage with the application in anyway. For that reason, we have no information before us to indicate that there are any particular circumstances to find that the granting of the Order would not be reasonable.
8. 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, individually and together.
9. Accordingly, an Eviction Order 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.

Lesley-Anne Mulholland

Legal Member:

Date: 9th September 2024