



**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/24/2436**

**Re: Property at 5 Log Chalet, Boghead Farm, Kintore, AB51 0XD (“the Property”)**

**Parties:**

**Craigmar Properties, Chapel Works, Bucksburn, AB21 9TL (“the Applicant”)**

**Miss Rachel Lawrie, 5 Log Chalet, Boghead Farm, Kintore, AB51 0XD (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property.**

**Background**

1. By application dated 28 May 2024 the Applicant applied to the Tribunal for an order for the eviction of the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant submitted a copy of a tenancy agreement, Notice to Leave with proof of Service, a rent statement and a copy Section 11 Notice and email to Aberdeenshire Council in support of the application.
2. Following further correspondence between the Applicant and the Tribunal administration, by Notice of Acceptance dated 17 July 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 25 September 2024.

## **The Case Management Discussion**

4. A CMD was held by teleconference on 31 October 2024. The Applicant was represented by one of its partners, Mr Charles Marshall. The Respondent did not attend nor was she represented. The Tribunal being satisfied that the Respondent had received proper intimation of the date and time of the CMD determined to proceed in her absence.
5. Mr Marshall advised the Tribunal that the Respondent had commenced a Private Residential tenancy of the property on 1 September 2020. He explained that the Respondent had not always been the best of payers and at times the Applicant had required the Respondent's guarantor to pay when the Respondent did not pay the rent that was due. Mr Marshall went on to say that the Respondent had not paid any rent since November 2023 and that the Applicant had lost contact with the guarantor Mr Andrew Scott. Mr Marshall advised the Tribunal that a Notice to Leave had been sent to the Respondent under Ground 12 of Schedule 3 of the 2016 Act by email on 25 April 2024 and referred the Tribunal to the document submitted with the application. Mr Marshall also confirmed that a Section 11 Notice had been sent to Aberdeenshire Council by email on 28 May 2024. Mr Marshall said that at the date of service of the Notice to Leave the Respondent owed rent of £7986.03 and that the current rent due amounted to £13236.03.
6. With regards to reasonableness, Mr Marshall advised the Tribunal that he thought the Respondent might have a partner living with her but was not sure and he also thought that the Respondent had two children staying in the property. Mr Marshall confirmed that the Applicant owned a number of let properties but that the high level of rent arrears was having a significant impact on the Applicant and submitted that it was reasonable to grant the order for eviction.

## **Findings in Fact**

7. The Respondent commenced a Private Residential Tenancy of the property on 1 September 2020.
8. The Respondent is in arrears of rent and at the date of service of a Notice to Leave on 25 April 2024 owed the Applicant rent amounting to £7986.03.
9. The current rent due by the Respondent to the applicant is £13236.03.
10. A Section 11 Notice was sent to Aberdeenshire Council by email on 28 May 2024.
11. The Respondent resides at the property with her two children.

## **Reasons for Decision**

12. The Tribunal was satisfied from the written representations and documents together with the oral submissions that the parties entered into a Private Residential tenancy that commenced on 1 September 20 at a rent of £850.00 per calendar month and subsequently increased in August 2024 to £900.00 per month. The Tribunal was also satisfied that the Respondent had fallen into arrears and that at the time of being served with a Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act the Respondent owed rent of £7986.03 and had been in arrears of rent for three consecutive months. The Tribunal was also satisfied that proper intimation of the proceedings had been given to Aberdeenshire Council by virtue of a Section 11 Notice. The Tribunal therefore had to determine if it was reasonable in the circumstances to grant the order sought.
13. In reaching its decision the Tribunal took account of the fact that despite being given an opportunity to submit written representations and to attend the CMD the Respondent chose to do neither. The Tribunal also took account of the very substantial level of rent arrears that had accrued with no indication that this was likely to change should the Respondent remain in the property. It was apparent to the Tribunal that the level of arrears had an adverse impact on the Applicant's finances and that this would worsen if the tenancy were to continue. The Tribunal acknowledged that the granting of an order for eviction would have an adverse impact upon the Respondent and her family however given the high level of rent due and the likelihood that further rent arrears would accrue the Tribunal was satisfied that it was reasonable to grant the order sought.

## **Decision**

14. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for the eviction of the Respondent from the property.

## **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**

**Harding  
Legal Member/Chair**

**31 October 2024  
Date**