



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/24/2625

**Re: Property at 2 Mains of Keithfield Cottages, Methlick, Ellon, AB41 7HJ (“the
Property”)**

Parties:

**The Most Honourable George Ian Alastair Aberdeen, 8th Marquess Aberdeen
and Temair, The Estate Office, Mains of Haddo, Tarves, Ellon, AB41 7LD (“the
Applicant”)**

Mr Lewis James Taylor, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Nicola Irvine (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 the Applicant is entitled to the Order sought for
recovery of possession of the property.**

Background

1. The Applicant submitted an application under Rule 65 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal assigned a CMD to take place by conference call on 14 November 2024 at 10am. The Tribunal served notice of that CMD on the Respondent by

advertisement on the Housing and Property Chamber website on 9 October 2024.

The case management discussion – 14 November 2024

4. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/24/2627. The CMD took place by conference call. The Applicant was represented by Mrs Telford. The Respondent did not join the call, and the discussion proceeded in his absence. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that her predecessor attempted to make contact with the Respondent, without success. The Applicant's representative has been attempted to contact the Respondent for more than a year, without success. She has sent letters and whats app messages and there has been no response. She has instructed sheriff officers to trace the Respondent, without success. She has attended at the Property over the last year or so and there is no sign of anyone living there. The Respondent has failed to pay rent and the arrears now equate to more than 18 months' rent. The grounds upon which recovery of possession was sought are grounds 11, 12 and 13 of schedule 5 of the 1988 Act.

Findings in Fact

5. The Applicant is the landlord of the Property at 2 Mains of Keithfield Cottages, Methlick, Ellon, AB41 7HJ.
6. The Respondent is the tenant of the Property.
7. The tenancy in question is a short assured tenancy which commenced on 1 December 2012. The tenancy has continued by tacit relocation.
8. The Applicant served Notice of Proceedings (form AT6) on the Respondent by sheriff officer on 3 May 2024.
9. On 1 June 2024 the Applicant applied to the Tribunal for an order for possession based on ground 11, 12 and 13 of schedule 5 of the 1988 Act.
10. The Respondent has persistently delayed payment of rent as it fell due.
11. The Respondent was in arrears of rent when the Notice of Proceedings was served and when the present application was submitted.
12. The Respondent breached the tenancy agreement in respect that he left the Property unoccupied for more than a year.

Reason for Decision

13. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD. The Applicant complied with the pre-action protocol and thereafter served a notice of proceedings. The rent statement lodged demonstrated significant rent arrears are due. There was no information before the Tribunal to suggest that the Respondent disputed the accuracy of the rent statement. The information before the Tribunal was that neither the Respondent nor anyone else has been living in the Property for more than a year. A term of the tenancy agreement is that the Respondent will not leave the Property unoccupied for more than 4 weeks at a time. The Respondent did not participate in the CMD, nor did he lodge any written representations. In light of the information provided, the Tribunal was satisfied that the grounds of eviction have been established and that it was reasonable to grant the order.

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.

Nicola Irvine

Legal Member/Chair

14 November 2024

Date