



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/24/2496

Re: Property at 28 Grange Wynd, Dunfermline, Fife, KY11 8QW (“the Property”)

Parties:

Mrs Kyung Mi Lee, 7 Fulmer Drive, Dunfermline, Fife, KY11 8JY (“the Applicant”)

Mr Kerr Clelland, 28 Grange Wynd, Dunfermline, Fife, KY11 8QW (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order on the basis that it may not be enforced before 29 January 2025.

Background

[2] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”), by conference call at 2pm on 29 November 2024. The Applicant was represented by Ms Skelton of Fife Lettings. The Respondent was personally present. Neither party had any preliminary matters to raise.

[4] The Respondent helpfully explained his position. He had alcohol issues. He had lost his job. He lived alone in the Property and had accrued large rent arrears. It was explained that the Respondent was not opposed to the Application being granted. He accepted that his arrears would continue to accrue and that he had obtained advice from housing services. Having heard from parties and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant let the Property to the Respondent by virtue of a Private Residential tenancy within the meaning of the Act;*
- II. *The Respondent fell into rent arrears and the sum of £2,588.00 is now lawfully due as arrears of rent by the Respondent to the Applicant;*
- III. *The Applicant has signposted the Respondent to sources of financial support;*
- IV. *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established as at today’s date;*
- V. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- VI. *The Respondent does not oppose the Application and wishes support from the local authority to find alternate accommodation.*
- VII. *The Respondent lives alone in the Property and is amenable to finding alternate accommodation. He would however like some extra time to do so.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that the ground set out in the notice to leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order with the provision that it may not be enforced before 29 January 2025.

Right of Appeal

[6] 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.

A. McLaughlin

Legal Member/Chair

29 November 2024

Date