



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/24/3022

Re: Property at Flat 11, 15 Seacole Square, Edinburgh, EH16 4ZG (“the Property”)

Parties:

PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicants”)

Mr Adam Revell, Flat 11, 15 Seacole Square, Edinburgh, EH16 4ZG (“the Respondent”)

Tribunal Members:

Steven Quither (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined to grant the order for eviction sought by the Applicant.

BACKGROUND

1. This is an application to bring to an end a Private Residential Tenancy (“PRT”) between the parties in respect of the Property commencing 4 October 2021. The Tribunal accepted the application by Notice of Acceptance of 29 July 2024 and a Case Management Discussion (“CMD”) was duly fixed for 16 December 2024.
2. An associated application, under Tribunal reference CV/24/3023, for payment of unpaid rent, was considered together with this application.

3. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that Notice to Leave dated 17 May 2024 was sent by email to and presumably received by the Respondent on the same date, based on the Respondent's then outstanding rent arrears of £4206-80, amounting to more than 3 months consecutive rent arrears (Ground 12 of Schedule 3 of the Act), which arrears had risen to £5048-16 when this application was made on 3 July 2024.
4. The appropriate local authority was notified of the application in terms of s11 of the Homelessness etc. (Scotland) Act 2003 on 28 June 2024 and pre-action requirements appear to have been complied with by emails to the Respondent of 1 and 17 May and 28 June, all 2024, providing him with detailed advice and information as to how he might address the difficulties he was facing regarding payment of rent.
5. In addition, the Tribunal noted that the original monthly rent of £775 had been increased to £816-85 from 1 May 2022 and then to £841-36 from 4 July 2023, under s22 of the Act.
6. Letterbox service of this application was made on the Respondent by sheriff officers on 5 November 2024.
7. By email of 12 December, the Applicants' agents provided a rent statement to 31 December 2024, showing total rent arrears of £10293-88 and that the monthly rent had apparently increased again as from 1 August 2024 to £875-01.
8. At all times the Tribunal was aware that in relation to this eviction case, it required to be satisfied not only that the formal requirements regarding same had been complied with but also that it was reasonable to make the order for repossession.

CASE MANAGEMENT DISCUSSION on 16 December 2024

9. The CMD took place by teleconference and duly commenced shortly after 10am. The Applicants were represented by Melissa Wilson, Solicitor, of Patten & Prentice, Solicitors, Greenock.

The Respondent did not attend and was not represented.

10. In her submission to the Tribunal and in response to questions then asked by the Tribunal so far as relating to this application, Ms Wilson advised and confirmed:--

- a) This was the first CMD and the Applicants were seeking eviction of the Respondent from the Property based on arrears now outstanding of £10293-88, to which sum she was seeking to amend any reference to rent arrears (which the Tribunal was content to allow under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"));
- b) The present monthly rent was now £875-01 as previously advised in the latest rent statement, which also showed no rent at all had been paid since December 2023;
- c) There had been no response of any kind from the Respondent to any of the documentation sent to him or served upon him in the course of this application;
- d) So far as she and her clients were aware, the Respondent is in his 40's and lives alone;
- e) There was some indication the Respondent had advertised the Property to let through Airbnb;
- f) The Applicants are a property management company; and
- g) In view of the fact that no rent had been paid for a year or so and the outstanding amount now stood at £10293-88, Ground 12 was established and it was reasonable to grant the order for eviction.

FINDINGS IN FACT

11. The Respondent is due and liable for arrears of rent up to 1 December 2024 of £10293-88 arising out of a PRT for the Property between the parties, commencing 4 October 2021.
12. The Respondent has been in rent arrears for three or more consecutive months.

REASONS FOR DECISION

13. The Tribunal was satisfied that arrears of £10293-88 had accrued per the rent statement to 31 December 2024 and that the Respondent had been in rent arrears for 3 or more consecutive months. Having found that the Respondent had been in such arrears for such a period and in the absence of any contrary argument or opposition, the Tribunal was of the view that Ground 12 founded upon by the Applicants in this application had been established.
14. Furthermore, in view of said level of arrears which had accrued, the Tribunal was satisfied it was just and reasonable to make the order sought.

DECISION

15. To grant the order for eviction sought by the Applicants.

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.

Steven Quither

SR QUITHER

Legal Member/Chair

16 DECEMBER 2024

Date