



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/24/0898

Re: Property at 5 Booth Gardens, Blackdog, Aberdeenshire, AB23 8LW (“the Property”)

Parties:

Hillcrest Enterprises Limited, 1 Explorer Road, Dundee Technology Park, Dundee, DD2 1EG (“the Applicant”)

Ms Megan Isobella Adie, 5 Booth Gardens, Blackdog, Aberdeenshire, AB23 8LW (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

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 10 am on 16 January 2025. The Applicant was represented by Ms Callaghan of TC Young. The Respondent was not in attendance. The Respondent had received intimation of the Application and information about how to join the conference call by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent. The Respondent had also been aware of the Application as she had successfully applied to have a previous CMD postponed.

[4] Having heard from the Applicant’s representative and considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- 1) With effect from 1 February 2023, The Applicant acquired the landlord’s interest in the Property which was let to the Respondent under a Private Residential tenancy within the meaning of the Act;*
- 2) The Respondent fell into rent arrears and the sum of £17,931.85 is now lawfully due as arrears of rent by the Respondent to the Applicant;*
- 3) The Applicant has made efforts to negotiate a payment plan and has signposted the Respondent to sources of financial support;*
- 4) 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;*
- 5) 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;*
- 6) The Respondent has failed to engage with the Tribunal process. The Respondent is thought to be 30 years of age and have four dependent children. The Respondent had previously informed the Applicant that she was having issues accessing state benefits but then subsequently told the Applicant that these had been resolved. The Respondent has never adequately identified any particular issues with her receipt of benefits that might have allowed the Applicant to assist the Respondent further.*

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.

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

16 January 2025

Date