



**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**

**Chamber Ref: FTS/HPC/EV/24/3142**

**Re: Property at 13C Hepburn Street, Dundee, DD3 8BT (“the Property”)**

**Parties:**

**Mr Paul Sharma, 4 North Gyle Farm Court, Edinburgh, EH12 8LQ (“the Applicant”)**

**Ms Sasha Ingram, 13C Hepburn Street, Dundee, DD3 8BT (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Sandra Brydon (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 to evict the Respondent from the property.**

**Background**

1. The Applicant submitted an application under Rule 109 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. Letters were issued on 8 February 2025 informing both parties that a CMD had been assigned for 18 March 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondent was invited to lodge written representations by 1 March 2025. No representations were received by the Tribunal.

4. On 5 February 2025, the Tribunal received an email from the Applicant's representative, attaching an updated rent statement. A copy had been sent to the Respondent by email.
5. On 11 March 2025, the Tribunal received a further updated rent statement from the Applicant's representative and a copy had been sent to the Respondent by email.

#### **The case management discussion – 18 March 2025**

6. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/24/3144. The CMD took place by conference call. The Applicant was represented by Miss Melissa Coleman. The Respondent did not join the call, and the discussion proceeded in her absence.
7. The Applicant's representative explained that the Respondent has lived in the Property since at least 2018. She previously held a joint tenancy but entered into a new private residential tenancy in 2023 as the sole tenant. The household composition is unknown to the Applicant but the Respondent is believed to have at least 1 child. The Applicant understands that the Respondent is in employment. Although there was some recent contact with the Respondent, it related to access for gas safety checks and there has been no recent contact with the Respondent in relation to rent arrears. The Respondent has consistently been in arrears of rent since December 2021. She has made various proposals to repay the arrears by instalments but has not adhered to the proposed payments. At the time the notice to leave was served, rent arrears amounted to £955. The rent arrears have increased since this application was made and the current balance is £2,635.

#### **Findings in Fact**

8. The parties entered into a private residential tenancy which commenced 15 March 2023.
9. The Applicant served Notice to Leave on the Respondent by email on 16 May 2024 by email.
10. The Respondent has been in arrears of rent arrears for more than 3 consecutive months.

#### **Reason for Decision**

11. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 12 of the

Private Housing (Tenancies) (Scotland) Act 2016. There was no material to indicate that the accuracy of the rent statement was in dispute. The Respondent did not participate in the CMD and the Tribunal therefore had no information to explain the longstanding rent arrears and no information about the Respondent's ability to sustain the tenancy. The Respondent has been consistently in arrears of rent for more than 3 years. The Tribunal was satisfied that ground 12 was established. Having found the ground established, the Tribunal considered the issue of reasonableness. It noted that the Applicant complied with the pre-action protocol in an attempt to assist the Respondent. The Respondent appears to be in employment and there was no indication of an entitlement to benefits. It appears that the tenancy is unaffordable to the Respondent. In light of the history of arrears, the Tribunal concluded that the tenancy is not sustainable. Accordingly, it was satisfied that it was reasonable to grant the order for eviction.

### **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

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**18 March 2025**

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Date