

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/24/3074

Re: Property at 164R Market Street, Aberdeen, AB11 5PP (“the Property”)

Parties:

Northwood (Aberdeen) Ltd, 207-211 Rosemount Place, Aberdeen, AB25 2XS (“the Applicant”)

Mr Keith Ritchie, 164R Market Street, Aberdeen, AB11 5PP (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 10am on 8 April 2025, by teleconference. The Applicant was represented on the call by Mr Scott Morrison, one of its employees. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case he was experiencing any technical difficulty; but there remained no contact from him.

Service of the application and notification of the date of the CMD was effected by sheriff officers on the Respondent on 4 March 2025. The Tribunal was therefore satisfied that he was aware of the application but had chosen not to oppose it.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 29 May 2020.
2. In terms of the tenancy agreement, rent of £525 was initially due on the 29th day of each month.
3. By agreement between the parties, the date in the month the rent became due was changed to the 1st, from 1 July 2020.
4. The rent was increased by notice under s.22(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') from 1 July 2022 to £550 per month: and then again from 1 August 2023 to £566.50 per month.
5. The Respondent fell into arrears of rent on 1 June 2023 and, after making some payments that were insufficient to clear the arrears, has made no payment since 2 August 2023.
6. The Applicant sent the Respondent emails conforming with the requirements of the pre-action requirements set out by Scottish Ministers for rent arrears cases.
7. On 11 March 2024, the Applicant emailed the Respondent a notice to leave, stating that he would rely on Grounds 12 and 12A of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.

8. On 11 March 2024, the Respondent was in arrears of rent of £4,307.
9. As at the date of the CMD, the arrears stand at £11,671.50.
10. The Respondent has not been in touch with the Applicant to discuss addressing the arrears.
11. The Respondent does not appear to be living at the Property, but he has not vacated it and retains the keys.

- Reasons for Decision

12. The Tribunal considered that Grounds 12 and 12A of Schedule 3 to the Act were satisfied. The Respondent has been in arrears for 22 months, which is a very substantial period of time. His arrears are now at a very high level. The Respondent has not engaged with the Applicant to make a formal arrangement to address the arrears. He did not attend the CMD or make any representations to the Tribunal. In those circumstances, the Tribunal considered it was reasonable for the Applicant to seek eviction. It is not reasonable to expect a landlord to put up with arrears of this level on the account indefinitely, with no engagement from the tenant and, therefore, no apparent prospect of them ever being addressed.

- Decision

Eviction order granted.

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.

Nairn Young

Legal Member/Chair

Date 8 April 2025