



**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/24/3453**

**Property: 29 Castle Street, Clackmannan FK10 4EJ ("Property")**

**Parties:**

**Doug Paton and Jane Paton, 5 Symon Field, Dunblane FK15 OGA ("Applicant")**

**Chloe Thomson, 29 Castle Street, Clackmannan FK10 4EJ ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property.**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 22 July 2023; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 11 June 2024 ("Notice to Leave"); copy email to the Respondent dated 12 June 2024 attaching the Notice to Leave; statement of rent arrears; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 29 July 2024 and sheriff officer's execution of service certifying service of the Application on the Respondent on 10 February 2025.

**Case Management Discussion ("CMD")**

A CMD took place before the Tribunal on 28 March 2025 by teleconference. The Applicant was in attendance. There was no appearance by or on behalf of the Respondent.

Mr Paton told the Tribunal that he had encouraged the Respondent to enter into a payment plan regarding the arrears but no response had been received. He said that only £100 had been paid since March 2024. He said that the arrears are now around

£9,000. He said the local authority had been in touch with him to ask about the level of arrears which lead him to conclude that the Respondent had been in touch with the local authority about alternative accommodation.

Mr Paton told the Tribunal that the Respondent lives in the Property with a young child aged around 18 months. He said he was not aware of the Respondent having any health conditions. He said that her mother lives close by. Mr Paton said he believed the Respondent was in receipt of housing benefit for a period but that was no longer the case. He said he had tried to contact the Department of Work and Pensions direct but the Respondent would not provide her date of birth to allow him to do that.

Mr Paton told the Tribunal that if he obtains possession of the Property he will carry out necessary repairs and re-let the Property.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 22 July 2023.
2. The Notice to Leave was served by hand delivery on 11 June 2024 and by email on 12 June 2024.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 29 July 2024.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established.

Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

### **Decision**

The Tribunal grants an order for possession of the Property.

### **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.**

Legal Member: Joan Devine

Date : 28 March 2025

**Joan Devine**