

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

Reference number: FTS/HPC/EV/24/4832

Property: 15C Culloden Road, Arbroath, DD11 1LH

Parties:

Mrs Elizabeth McGurk, residing at 30 Elgin Park, Alma Street, Inverkeithing, KY11 1DB ("the Applicant")

Jamie Reading, residing at 15C Culloden Road, Arbroath, DD11 1LH ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)
Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

Background

The Applicant sought recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, a Notice to leave, served on 23 July 2024, together with a notice under s.11 of the Homelessness (Scotland) Act 2003.

Case Management Discussion

A case management discussion took place by telephone conference at 10.00am on 18 June 2025. The Applicant was represented by Mr S May of Easylets Ltd. The

respondent was neither present nor represented. The case file discloses that the respondent has been given timeous notice of the date, time and method of joining the hearing. We can justly determine this application in the respondent's absence.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property dated 21 January 2022. In terms of clause 8 of the tenancy agreement the respondent agreed to pay rental at the rate of £375.00 per month.
2. The respondent has not made a full payment of rental since taking entry to the property. He last paid rental in April 2024. At the date of application there were arrears of rent totalling £3,560.90. Today, the rent arrears total £5,810.90.
3. On 23 July 2024 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 18 October 2024 the applicant submitted this application to the tribunal.
4. The respondent has not made a full payment of rent since April 2024, so that at the date of application there were more than nine months arrears of rental.
5. The Applicant seeks recovery of possession of the Property in terms of Ground 12 of part 3 of schedule 3 to the 2016 Act. The rental was 9 months in arrears at the date the application was submitted. Rental is now more than 15 months in arrears.
6. The Respondent has chosen not to provide any of his details to the tribunal and does not explain why significant arrears of rental have accumulated.
7. The Respondent lives alone in the property. He has not engaged with the Applicant and has chosen not to explain why he has amassed significant arrears of rental. There are no known delays or failures in the payment of benefits, and the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers.
8. The Respondent does not resist the application for repossession. It is not argued that it is unreasonable to grant an order for repossession of the property.

Reasons for the Decision

9. The Applicant seeks recovery of possession of the Property in terms of Ground 12 of schedule 3 to the 2016 Act. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.
10. The Tribunal makes an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in terms of Ground 12 of schedule 3 to the 2016 Act is established.

11. The Respondent offers no resistance to the application. In all the circumstances, it is reasonable to grant an order for possession.

12. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P.Doyle

18 June 2025

Legal Member