



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/24/5140

Re: Property at 111 Leith Walk, Dundee, DD2 4JP (“the Property”)

Parties:

GG - 659 - 368 Limited, 1 Lyric Square, London, W6 0NB (“the Applicant”)

Mr Nicolas Vujovic, Hannah Lynch, 111 Leith Walk, Dundee, DD2 4JP (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order or eviction.

Background

1. By application dated 6 November 2024 the applicant seeks an order for eviction, relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to Leave with proof of service
 - Rent statements
 - Pre action correspondence.
 - Notice under section 11 of the Homelessness Etc. (Scotland) Act 2003.
3. A case management discussion (“cmd”) was assigned for 24 June 2025.

Case management discussion (“cmd”) – 24 June 2025- teleconference

4. The applicant was represented by Mr Stevenson from Rent Local Letting Agents. The first respondent attended on his own behalf. The second respondent attended with her solicitor, Mr Marshall from Dundee Law Centre.
5. Mr Stevenson sought an order for eviction on the grounds of rent arrears. He stated that arrears at the property had increased to £3724.76.
6. The first respondent stated that he did not oppose an order for eviction. He had contacted the local authority for assistance and hoped to obtain alternative accommodation after an order was granted. Mr Marshall advised that the second respondent had moved out of the tenancy and also did not oppose an order being granted.

Findings in fact

7. Parties entered into a tenancy agreement with a commencement date of 24 July 2023.
8. Monthly rent due in terms of the agreement was initially £500, increasing to £515 From 24 October 2024.
9. Arrears as at 24 November 2024 amounted to £1543.48.
10. Arrears as at 24 June 2025 are in excess of £1543.48.
11. The applicant complied with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.
12. Ground 12, in schedule 3 of the 2016 Act has been established.

Reasons for the decision

13. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account submissions at the cmd.
14. Ground 12 states:

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a)for three or more consecutive months the tenant has been in arrears of rent, and

(b)the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4)In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

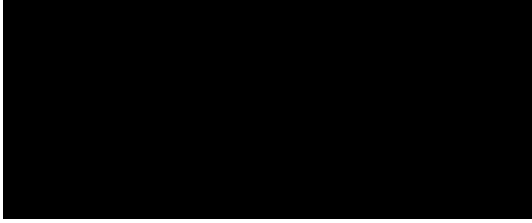
(a)whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit and

(b)the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

15. The Tribunal was satisfied on the basis of the rent accounts that had been lodged and the oral submissions that the respondents had been in arrears of rent for a period in excess of three months.
16. In relation to question of reasonableness the Tribunal determined that the correspondence sent to the respondent complied with the pre-action requirements.
17. The Tribunal took into account that neither respondent opposed an order for eviction being granted. The second respondent had obtained alternative accommodation and the first respondent had sought advice from the local authority. There were no dependents in the property. In light of the lack of opposition and the outstanding arrears the Tribunal determined that it was reasonable to grant an 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.



Legal Member/Chair

24 June 2025

Date
