



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/19/0258

Re: Property at 8D Brown Street, Stewarton, East Ayrshire, KA3 5AW (“the Property”)

Parties:

Mr Paul Carpenter, La Torre Golf Resort, Calle Esturion No 44, Torre-Pacheco, Spain 30709, Spain (“the Applicant”)

Mr Ross Stuart, 8D Brown Street, Stewarton, East Ayrshire, KA3 5AW (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.

Background

The Applicant’s solicitor lodged an Application on 24th January 2019 seeking eviction of the Respondent from the Property.

Lodged with the Application were:

1. Copy Private Rented Tenancy Agreement
2. Copy Notice To Leave
3. Copy Email sent to the respondent with the Notice To Leave
4. Rent Statement
5. Section 11 Notice
6. Email to the Local Authority with Section 11 Notice

Case Management Discussion

The Applicant was represented by Nicola Caldwell of TC Young, Solicitors. The Respondent did not appear and was not represented.

Miss Caldwell advised the Tribunal that the eviction was sought on the basis of Ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. She said that the rent was £550 per month. She referred to the Notice To Leave, which had been served by email. She produced a rent statement which showed that when the Notice To Leave was served the arrears were £2750, which was 5 months' payments. When the Application was lodged the arrears were £3300, which was 6 months' payments. At today's date the arrears are £4400, which represents 8 months' payments. Miss Caldwell submitted that in those circumstances, in terms of the Ground, eviction was mandatory.

Findings In Fact

1. The parties entered in to a tenancy agreement for lease of the property.
2. The monthly rent was £550.
3. The Respondent was in arrears of rent of £2750 at the date the Notice To Leave was served.
4. The Respondent was in arrears of rent of £3300 as at the date the Application was lodged.
5. The Respondent was in arrears of rent of £4400 as at today's date.

Reasons For Decision

Ground 12 has been established.

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.

Ms Alison Kelly

Legal Member/Chair

J

Date

25/3/19