

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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 (Act)**

**Chamber Ref: FTS/HPC/EV/19/0670**

**Re: Property at Flat 11, 4 Kidlaw Close, Edinburgh, EH16 6FT ("the Property")**

**Parties:**

**Home Group Limited, 2 Gosforth park Way, Gosforth Business Park, Newcastle-upon-Tyne, NE12 8ET ("the Applicant")**

**Miss Grace-Marie Naisby, Mr Alan Forester, Flat 11, 4 Kidlaw Close, Edinburgh, EH16 6FT ("the Respondent")**

**Tribunal Members:**

**Alan Strain (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 recovery of possession/eviction be granted.**

**Background**

This is an application under section 51(1) of the Act and Rule 109 of the Tribunal Procedure Rules in respect of rent arrears.

The Tribunal had regard to the following documents:

1. Application received 1 March 2019;
2. Private Residential Tenancy Agreement (**PRT**) commencing 31 March 2018;
3. Schedule of Rent Arrears at 20 February 2019;
4. Application to amend sum sued for dated 9 April 2019;
5. Sheriff Officer certificate of service dated 10 April 2019;
6. Email from 2<sup>nd</sup> Respondent dated 11 April 2019;
7. Notice to Leave dated 10 January 2019;
8. Section 11 Notice;

**Mr Alan Strain**

9. Sheriff Officer Certificate of Service of Notice to Leave and section 11 Notice.

### **Case Management Discussion (CMD)**

The case called for a CMD on 29 April 2019. The Applicant was represented. Neither Respondent appeared. The Tribunal had regard to the email from the 2<sup>nd</sup> Respondent of 11 April 2019 advising that he would not attend the CMD and that he was content for the matter to proceed in his absence.

The Tribunal also noted that the notification of proceedings had been served by Sheriff Officers on the Respondents on 10 April 2019. The Respondents were aware that the Tribunal could determine matters if it had sufficient information and considered it fair to do so.

The Tribunal then considered the up to date rent arrears position. The Tribunal found the following facts established:

1. The Parties entered into a PRT commencing 31 March 2018;
2. The monthly rent was £689.43;
3. As at the date of the CMD the rent arrears were £6,894.42;
4. More than one month's rent had been outstanding since July 2018.

The Tribunal considered whether or not Ground 12 had been made out. In light of the extent and duration of the arrears found above the Tribunal determined that Ground 12 was made out and that the Tribunal could determine the matter at this stage. The Tribunal also considered it fair to do so.

The Tribunal granted the order for recovery of possession/eviction as sought.

### **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.

**Mr Alan Strain**

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Legal Member/Chair

29/4/19  
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Date