



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/19/2629

Re: Property at 218 Upper Craighour, Edinburgh, EH17 7SH (“the Property”)

Parties:

Dr Farrukh Iqbal, 15 Carnbee End, Edinburgh, EH16 6GJ (“the Applicant”)

Ms Kira Burns, 218 Upper Craighour, Edinburgh, EH17 7SH (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

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

The applicant applied to the Tribunal under Rule 109 for an eviction of the respondent in respect of the property at 218 Upper Craighour, Edinburgh. Accompanying the application was the following documents:-

Private Rented Tenancy Agreement dated 7 December 2018
Demand letter dated 19 January 2019
Demand letter dated 12 February 2019
Letter before action dated 24 February 2019
Letter dated 8 March 2019
Demand letter dated 28 May 2019
Notice to leave dated 18 July 2019
Email to tenant dated 18 July 2019
Notice to Local Authority dated 21 August 2019.

No written representations were received in respect of the application.

Case Management Discussion

At the case management discussion Mr Hazelton solicitor appeared on behalf of the applicant.

The respondent did not attend nor was she represented..

Findings in Fact

- 1 The parties entered into a Private Rented Tenancy Agreement with a commencement date of 7 December 2018.
2. Rent was due to be paid at the rate of £950 per calendar month payable in advance.
3. The applicant had paid the deposit and rental in advance in December 2018 and had paid nothing further.
4. The respondent had been in arrears of rent for significantly more than three months and the total sum outstanding was significantly in excess of one month's rent.

Reasons for Decision

The paperwork was all in order. The applicants solicitor confirmed that aside from the payments made in December 2018 the respondent had not paid any rent. The respondent was due 10 months rent.

The respondent did not attend nor had she made any written representations.

Decision

To grant an order of 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.

Mark Thorley

Legal Member/Chair

Date

29 October 2019