

**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 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 109 of the First-tier Tribunal for Scotland housing and Property Chamber (Procedure) Regulations 2017.**

**Chamber Ref: FTS/HPC/EV/19/3026**

**Re: Property at Room 2, 20 Scotts Street, Annan, Dumfriesshire, DG12 6JG (“the Property”)**

**Parties:**

**Mr Michael Taylor, 9 Annerley Road, Annan, Dumfriesshire, DG12 6HE (“the Applicant”)**

**Mr Steven Hoffman, Room 2, 20 Scotts Street, Annan, Dumfriesshire, DG12 6JG (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member)**

**Decision (in absence of the Respondent)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it should make an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of schedule 3 of the Private Housing (Tenancies) Act 2016.

**Background**

This is an application by the Applicant seeking recovery of the Property. The application is dated 24<sup>th</sup> September 2019. The date of the case management discussion and relevant documents were served on the Respondent by Sheriff Officer on 25<sup>th</sup> October 2019. The certificate of service was before the Tribunal

**Case Management Discussion**

The Applicant was present and there was no appearance by the Respondent. Mr Taylor produced an up to date rent statement which showed the level of arrears to

be £1820 and he said that the Respondent would have knowledge of the current level of rent arrears because he is sent regular rent statements. Mr Taylor said that he had received no payment of rent since 12<sup>th</sup> July 2019. He said that the weekly rent due is £65 and that he therefore considered Ground 12 of Schedule 3 of the 2016 Act to be met on the basis that, as at today's date, there is at least one month's rent due and that the rent statement shows that the Respondent has been in arrears for a period in excess of three months.

The purpose of case management discussion was explained to the Applicant who said that he saw no reason for a Hearing to be held to determine the application and he invited the Tribunal to grant the order for eviction. He said that he considered the Tribunal to have enough information to make a decision on the matter.

### **Findings in Fact**

- 1. The Respondent and Applicant are parties to a private residential tenancy for the Property in terms of the 2016 Act.**
- 2. The weekly rent for the Property is £65.**
- 3. As at 22<sup>nd</sup> November 2019 the level of arrears of rent was £1,820.**
- 4. The Respondent has been in arrears of rent for more than three months.**
- 5. The Respondent is in arrears of rent of more than a month as at today's date.**

### **Reasons**

1. The private residential tenancy agreement dated 23<sup>rd</sup> March 2019 and which showed a weekly rent of £65 was before the Tribunal.
2. A rent statement showing arrears of rent of £1,235 had been lodged with the application.
3. An updated rent statement showing the current level of rent arrears to be £1,820 as at 22<sup>nd</sup> November 2019 had been produced by the Applicant.
4. The Tribunal accepted the Applicant's evidence that the respondent is in arrears of rent as evidenced by the updated rent statement.
5. It was clear from the updated rent statement and the evidence of the Applicant that the Respondent has been in arrears of rent since 29<sup>th</sup> March 2019, has been in arrears of rent since at least 27<sup>th</sup> August 2019 and is in arrears of rent of more than a month as at today's date.
6. I saw no reason to adjourn consideration of the matter to a Hearing and determined to make the order 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.**

Martin McAllister

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**Martin J. McAllister**  
**Legal Member/Chair**

**27<sup>th</sup> November 2019**