

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/3309

Re: Property at C28, Tullideph Road, Dundee, DD2 2DF (“the Property”)

Parties:

Mrs Alice Mande Elias Woro, c/o 31A North Bridge Street, Bathgate, West Lothian, EH47 4PJ (“the Applicant”)

Miss Vikki Brown, C28, Tullideph Road, Dundee, DD2 2DF (“the Respondent”)

Tribunal Members:

Jan Todd (Legal Member)

Decision (in absence of the Respondent)

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

• Background

1. A Case Management Discussion (CMD) was held at 2pm on 19th December 2019 at Dundee Carer’s Centre Dundee.
2. The Applicant did not attend but was represented by Ms Donnelly from Bannatyne, Kirkwood France & Co as the Applicant’s representative.
3. The Respondent did not attend and had not made any written representations. There had been no reason intimated in advance for their non-appearance nor any request made for a postponement of the CMD. The Tribunal noted that valid intimation of the CMD had been made to the Respondent having seen a certificate of execution of service by Sheriff Officers on 21st of November 2019. Accordingly the Tribunal proceeded to hold the CMD in the absence of the Respondent.
4. The following documents were lodged with the application:-

1. A copy of the Scottish Private Residential Tenancy Agreement dated 6th June 2018 entered into between Mrs Alice Mande Elias Woro the Applicant and Ms Vikki Brown the tenant,
2. Notice to Leave dated 5th September and accompanying e-mail to the Respondent dated the same date.
3. Statement of rent arrears showing a sum outstanding as at 7th October 2019 of £2,339.88.
4. S11 notice to Dundee City Council and evidence of service by e-mail dated 14th October 2019.

The Case Management Discussion

5. There were no written representations received from the Respondents.
6. Ms Donnelly advised that the position remained as per the Application dated 14th October 2019, namely that the Respondents had entered into a lease on 6th June 2018 undertaking to pay rent at the sum of £495 per month. That rent arrears have existed since June 2019 and that at the date of the Notice to Leave and the date of the application rent had been in arrears for three months and as at today's date amounted to £3304.88.
7. Ms Donnelly confirmed there are more than 1 months rent in arrears at the current time.

Findings in Fact

8. The parties entered into a lease of the Property which was dated and which commenced on 6th June 2018.
9. The Rent due was £495 per calendar month payable in advance
10. The Applicant produced a statement of rent showing that rent has been outstanding since June 2019 and that there are currently over 4 months' rent outstanding.
11. There is no evidence that the arrears of rent are wholly or partly due to a delay or failure in payment of a relevant benefit.
12. A notice to leave was served on the Respondent on 5th September 2019 confirming that no proceedings would be raised before 7th October 2019.

• Reasons for Decision

13. The Tribunal was satisfied that the Respondents had been served with a valid Notice to Leave under S52 (3) of the 2016 Act specifying Ground 12 of Schedule 3 of the Act as the relevant ground of eviction.
14. The Tribunal accepted the verbal averments and written statement of rent arrears from the Applicant's representative of the Respondents having failed to pay any rent since May 2019.
15. There being no response to counter this from the Respondents and the Tribunal being satisfied in terms of S 51 (1) of the Act that one of the eviction grounds named in Schedule 3 of the Act, namely Ground 12, is met,

determined that the order for eviction sought by the Applicant should be granted.

- **Decision**

The order for eviction is granted.

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.

Jan Todd

Legal Member/Chair

Date

19th December 2019