



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/CV/19/2954

Re: Property at 21C Townhead Street, Lockerbie, DG11 2AG (“the Property”)

Parties:

Novantie Ltd, Grierson House, The Crichton, Bankend Road, Dumfries, DG1 4ZS (“the Applicant”)

Mr Jordan McNally, 21C Townhead Street, Lockerbie, DG11 2AG (“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 eviction and recovery of possession be granted.

Background

This is an application for eviction and recovery of possession under section 51(1) of the Act and Rule 109 of the Tribunal Procedure Rules. The Applicant seeks the order under Ground 12 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 20 September 2019;
2. Private Residential Tenancy Agreement (PRTA) commencing 1 February 2019;
3. Notice to Leave and Certificate of Service dated 15 August 2019;
4. Section 11 Notice to Local Authority;
5. Schedule of Rent Arrears as at 16 September 2019;

6. Sheriff Officer Certificate of Service of Case Management Discussion (CMD) Notification dated 18 November 2019.

CMD

The Applicant was represented by Ms Callander and its Solicitor, Mr Watt. The Respondent did not appear and was not represented.

The Tribunal was satisfied, under reference to the Sheriff Officer Certificate of Service, that the Respondent had received notification of the CMD and that the Tribunal could determine the matter in his absence provided that it was satisfied that it had sufficient information to do so and that the procedure had been fair.

The Tribunal considered the documentary evidence before it and made the following findings in fact:

1. The Parties entered into the PRTA commencing 1 February 2019;
2. The monthly rent was £425;
3. As at the date of the application the Respondent was in arrears of rent in the sum of £2550.00;
4. As at the date of the CMD the Respondent was £3855.60 in arrears which was in excess of 9 months arrears of rent;
5. The Respondent had been in arrears of rent continuously for a period in excess of 3 months;
6. The arrears were not due in whole or in part to any failure or delay to make payment of a relevant benefit;
7. Notice to Leave on the basis of Ground 12 had been served on 15 August 2019;
8. Section 11 Notice had been served on the Local Authority.

The Tribunal considered the terms of Ground 12 of Schedule 3 to the Act and was satisfied that the requirements for making an order for eviction and recovery of possession were met and the procedure was fair.

The Tribunal accordingly grant the order for eviction and recovery of possession.

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.

Alan Strain

Legal Member/Chair

18 December 2019

Date