



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

Chamber Ref: FTS/HPC/EV/19/0703

Re: Property at 4/1 Sandilands Close, Edinburgh, EH16 4HS (“the Property”)

Parties:

Manor Estates Associates Limited, 11 Washington Lane, Edinburgh, EH11 2HA (“the Applicant”)

Mr Darren Brock, 4/1 Sandilands Close, Edinburgh, EH16 4HS (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

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

Background

The Applicant is the landlord and the Respondent the tenant under a Private Residential Tenancy Agreement in respect of the Property dated 10 October 2018. The Applicant seeks an eviction order.

The Case Management Discussion

A Case Management Discussion took place on 24 June 2019 at George House, Edinburgh. The Applicant was represented by Kirsty Morrison and also present was the Applicant’s Karen Treger. The Respondent was neither present nor represented.

Miss Morrison advised that the Respondent had left the Property and his whereabouts were unknown. The Applicant is insisting upon its Application.

Findings in Fact

The Applicant is the landlord and the Respondent the tenant under a Private Residential Tenancy Agreement in respect of the Property dated 10 October 2018.

The Applicant began his occupation of the Property on 10 October 2018 and appears to have recently vacated the Property.

Rent is due under the Tenancy Agreement at the rate of £597 per month, payable on the 1st of each month.

The Respondent has failed to pay the rent due on the first day of each month from November 2018 to May 2019, totalling £4179.

Notice to Leave dated 23 January 2019 was served upon the Respondent on 24 January 2019.

Reasons for Decision

The Respondent has been in rent arrears for more than three consecutive months and was in more than one month's arrears at the time when the Tribunal first considered the Application on its merits. Ground 12 of Schedule 3 to the 2016 Act is satisfied and the Tribunal is obliged to grant the order in the absence of any information that a difficulty relating to benefits is the reason for non-payment. No such information exists.

Decision

An order for the eviction of the Respondent from the Property should be 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.

J McHugh

John McHugh, Legal Member/Chair

24 June 2019

Date