

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 Residential (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/19/0874

Re: Property at 28 Robson Court, Hawick, TD9 8HL (“the Property”)

Parties:

Mr John Robertson, Mrs June Paterson Robertson, 3 Stodrig Cottages, Kelso, TD5 7NZ (“the Applicant”)

Mr William Rackstraw, formerly of 28 Robson Court, Hawick, TD9 8HL (“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.

Background

The Applicants applied to the First Tier Tribunal under Rule 109. Accompanying the application was a copy Tenancy Agreement, Notice to Quit and Summary of Rent Payments.

Service of the proceedings on the respondent had been undertaken by way of advertisement.

At an earlier Case Management discussion the Tribunal had made a direction requiring the Applicants to lodge a copy of the full Notice to Leave served on the Respondent on 19th December 2018 by Sheriff Officers and ensuring that every page was included together also with an updated rent statement.

These documents were lodged with the Tribunal.

Further service by way of advertisement upon the Respondent had taken place for the hearing on 14th August 2019.

Case Management Hearing

At the Case Management Hearing on 14th August 2019 the Applicant Mr Robertson appeared. There was no appearance by or for the Respondent.

The paperwork was in order.

Findings in Fact

1. The tenancy was created between the parties by way of private residential tenancy agreement dated 31st August 2018.
2. At the time of the application being received the Respondent was due more than 3 months' rent namely was due the sum of £1,631.
3. The rental amount was due to be £300 per month.
4. No payment of rent has been made since the first months rental payment in August 2018.
5. The Respondent is due more than 3 months' rent.
6. The Order for eviction is granted.

Reasons for Decision

The Applicants had lodged all the requisite paperwork. Mr Robertson spoke to the Respondent having failed to pay rent since August 2018. It was understood the Respondent was not living there in any event.

The Respondent had not appeared at the hearing and not made any representations.

Accordingly the order was 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.

Mark Thorley

~~Legal Member/Chair~~

16 August 2019

Date