



**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/21/1861

**Property:** Property at 27 Anderson Crescent, Prestwick KA9 1EJ (“the Property”)

**Parties:** Mr Ryan Rodger (“the Applicant”)

and

Mr Christopher Lee, Ms Amanda Kinney (“the Respondents”)

**Tribunal Members:**

Mark Thorley (Legal Member)

Ms Linda Reid (Ordinary Member)

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

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

**Background**

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) for an order for eviction in relation to the property at 27 Anderson Crescent, Prestwick KA9 1EJ. Accompanying that application was a copy of the Tenancy Agreement together with Notice to Leave in respect of both respondents. Certain further information was required by the tribunal following upon the application being made on 29 July 2021. Documents were provided between 3 August 2021 and 23 November 2021.
2. On 2 December 2021 the tribunal accepted the application and a case management hearing was assigned for 8 February 2022.
3. Service of the proceedings was made upon the respondents by sheriff officer. No written representations were made by the respondents.

**Case Management Discussion**

1. At the case management discussion the applicant attended by way of teleconference. There was no appearance by or for the respondents..
2. The applicant described that he and his wife were the owners of the property and were both the landlords. The respondents had stopped paying rent in September 2020. As at July 2021 there were £4,800 of arrears. Rent was due to be paid at the sum of £450 per month. No further rent had been paid.
3. The respondents had now vacated the premises and had returned the keys.

### **Findings in Fact**

1. That a Tenancy Agreement existed between the parties dated 4 January 2020.
2. In terms of that Tenancy Agreement for the property at 27 Anderson Crescent, Prestwick KA9 1EJ rental was due to be paid at the sum of £450 per month.
3. No rent had been paid by the respondents since September 2020.
4. There was rent outstanding of more than three months.
5. The Notice to Leave had been served upon the respondents.
6. An order for eviction should be granted.

### **Reasons for Decision**

The respondents had not provided any written representations and did not attend at the teleconference. The tribunal accepted the evidence provided by the applicant namely that the respondents was in significant rent arrears of significantly more than three months. Indeed the period appeared to be in excess of sixteen months. The respondents had handed back the keys and had vacated the premises. The applicant had in fact changed the locks. The applicant now intended to sell the property.

The tribunal accepted the evidence of the respondents. The paperwork appeared to be in order. The tribunal accordingly made an order of eviction.

### **Decision**

To grant an order for eviction of the respondents.

### **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.**

**11/02/2022**

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**Legal Member/Chair**

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**Date**