

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/19/3981

Re: Property at 26 Spey Place, Spateston, Johnstone, PA5 0PT (“the Property”)

Parties:

Mr Craig Campbell, The Knowe, Easwald Bank, Kilbarchan, PA10 2HA (“the Applicant”)

Mr Barry Colquhoun, 26 Spey Place, Spateston, Johnstone, PA5 0PT (“the Respondent”)

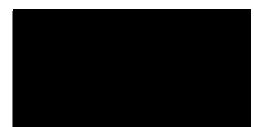
Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

1. The Tribunal received an application on behalf of the applicant under Rule 109 for an order of eviction based on ground 12 namely that the tenant had been in arrears for three or more consecutive months.
2. Accompanying the application was a copy of the Lease, Notice to Leave, proof of delivery of the Notice to Leave, Section 11 Notice and landlord’s permission for the letting agent to deal with this on his behalf.
3. The application was served on the respondent by Sheriff Officers.
4. There were no representations made by the respondent.



Case Management Discussion

1. At the case management discussion Mr Lind of Lind Letting Ltd appeared on behalf of the applicant. There was no appearance by or for the respondent. Mr Lind confirmed that the respondent continued to occupy the property.

Findings in Fact

1. A tenancy existed between the parties whereby the respondent leased the property at 24 Spey Place, Johnstone PA5 0PT with effect from 25 May 2019 with a rent payable of £700 per calendar month payable in advance.
2. That the tenant had made two payments of £700 on 24 May 2019 and 26 June 2019.
3. No further payments have been made subsequent to that by the tenant.
4. Accordingly there were significantly in excess of three consecutive months when the tenant had been in arrears of rent.
5. The actual outstanding sum of rent due as at 4 February 2020 was £4,900 representing seven months of unpaid rent.

Reasons for decision

1. The paperwork was all in order. All documents had been served upon the respondent. The rent statement was accepted. The letting agent spoke to the rent arrears. There were seven months of rent arrears. No representations have been made by the respondent.

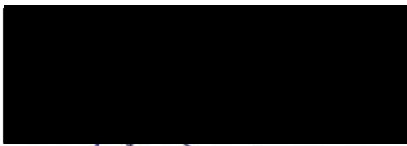
Decision



To grant an order for eviction.

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.



Legal Member/Chair

2 February 2020.

Date