

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/3090**

**Re: Property at 101 The Moorings, Dalgety Bay, Fife, KY11 9GP (“the Property”)**

**Parties:**

**Mr Clive Loble, c/o Morgans, 33 East Port, Dunfermline, Fife, KY12 7JE (“the Applicant”)**

**Mr David Grierson, Mr Kenny Leung, Mrs Linda Leung, 101 The Moorings, Dalgety Bay, Fife, KY11 9GP (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

**Decision**

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

- **The above Application called for a Case Management Discussion at 2pm on 28 November 2019 in Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicant was personally present together with two observers from his lettings agents, Morgan Law Partnership. The Three Respondents were personally present. All three Respondents indicated that they were happy for Mrs Linda Leung to speak on behalf of the Respondents.**
- **It became apparent that there was no dispute regarding the facts of the Application and the related Application for a Payment Order.**
- **Having had representations made from parties, The Tribunal made the following findings in fact:**
  - (i) There was a Private Residential Tenancy between the parties which commenced on 7 September 2018.**
  - (ii) The contractual monthly rent was £675.00**

- (iii) The Respondents had fallen into rent arrears of £4,657.88 at the time of the lodging of the Application on 23 September 2019 and of £6,350,00 as at today's date.
  - (iv) The Applicant had validly served a Notice to Leave on all three Respondents at the email addresses provided for in the tenancy on 22 August 2019 providing the requisite 28 day period of notice.
  - (v) Requisite Notice had been given to the local authority in respect of s11 of the Homelessness etc (Scotland) Act 2003.
  - (vi) The Respondents were in rent arrears of an amount in excess of one months worth of rent and had been continuously in such arrears for in excess of three months.
  - (vii) Any arrears were not as a result of any delay or failure in the payment of any benefit.
- The Tribunal noted that the Respondents position was that they would like more time to settle the arrears. The Tribunal considered there was no valid defence to the Application.
  - Having made the above findings in fact, the Tribunal considered that Grounds 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 was engaged and that the Tribunal must therefore make an Eviction Order.
  - The Tribunal therefore granted the Application and made the Eviction Order as sought.

### 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.

A McLaughlin

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Legal Member/Chair

28/11/19  
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Date