



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/19/0560

Re: Property at 39D McDonald Court, Froghall Terrace, Aberdeen, AB24 3JP ("the Property")

Parties:

Denis Carbonaro c/o Stonehouse Lettings (Head Office), Osborne House, 27-30 Carden Place, Aberdeen, AB10 1UP ("the Applicant")

Mr Lewis Cowie, Address Unknown ("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 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 16 August 2018.

The Applicant brought this Application to the Tribunal on 19 February 2019.

The Case Management Discussion

A Case Management Discussion was held at the Credo Centre, John Street, Aberdeen on 28 May 2019.

The Applicant was present. He was assisted by his brothers, Lucas and Giuseppe Carbonaro and his letting agent, Erin Saddler.

The Respondent was neither present nor represented.

Notice of the hearing had been given by way of advertisement on the Tribunal's website, previous efforts to locate the Respondent having been unsuccessful.

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 16 August 2018.

Rent is payable by the Respondent under the Tenancy Agreement at the rate of £450 per month.

The Respondent has failed to pay the rent which fell due on 16 November and 16 December 2018 and 16 January 2019.

Reasons for Decision

In terms of section 51 of the 2016 Act the Tribunal requires to make an eviction order where the terms of Ground 12 of Schedule 3 to the Act have been satisfied. This is where the Respondent has been in arrears of rent by an amount equal to one month's rent when the application was first considered by the Tribunal and has been in continuous arrears for a period of three months prior to that date. The Tribunal is satisfied that the criteria of Ground 12 have been met and that there is no evidence of any benefits related reason for the arrears.

Decision

The Tribunal considers that an order for eviction should be made.

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

28 May 2019

Date