



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 (Act)

Chamber Ref: FTS/HPC/EV/19/3832

Re: Property at 21 Scotstoun Road, Cowie, Stirling, FK7 7AL (“the Property”)

Parties:

Your Home Partners, Ground Floor Suite, PO Box 15496, Broxburn, EH52 6WU (“the Applicant”)

Ms Vicky Power, 21 Scotstoun Road, Cowie, Stirling, FK7 7AL (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

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

Background

This is an application for eviction and recovery of possession under section 51(1) of the Act and Rule 109 of the Tribunal Procedure Rules. The Applicant seeks recovery of possession under Ground 12 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 2 December 2019;
2. Notice to Leave dated 5 September 2019;
3. Rent Statement;
4. Section 11 Notice to Local Authority;
5. Proof of service of Notice to Leave;
6. Private Residential Tenancy Agreement (PRTA) commencing 8 May 2018.

Case Management Discussion (CMD)

The case called for a CMD on 17 February 2020. The Applicants did not appear but were represented by their solicitors who participated by conference call. The Respondent did not appear and was not represented. The Respondent contacted the Tribunal Administration and advised that she would not be participating.

The Tribunal was satisfied that the Respondent had notification of the CMD by virtue of Sheriff Officer's certificate of Service dated 14 January 2020. The Respondent was aware that the Tribunal could proceed in her absence and that if satisfied that it had sufficient information to do so and the procedure was fair, could determine the matter at the CMD.

The Tribunal considered the documentary evidence and also was given an update as to the current amount of rent arrears from the Applicants' solicitors.

The Tribunal was able to make the following findings in fact:

1. The Parties entered into the PRTA commencing 8 May 2018;
2. The monthly rent was £600;
3. As at the date of service of the Notice to Leave the Respondent was in arrears in the sum of £10,858;
4. As the date of the CMD the Respondent was in arrears in the sum of £11,500 which is in excess of 3 consecutive months in arrears;
5. Notice to Leave had been validly served;
6. Section 11 Notice had been served on the local authority;
7. The failure to pay the rent was not due to any delay or failure in payment of a relevant benefit.

The Tribunal considered that it had sufficient information to make a decision and that it was fair to do so. The Tribunal considered that the requirements of Ground 12 were satisfied. The Respondent was in arrears for a period in excess of 3 months at the date of the CMD and the arrears were not due to any delay or failure to pay a relevant benefit.

The Tribunal accordingly granted the order for recovery of possession and eviction 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.

Alan Strain

Legal Member/Chair

17 February 2020

Date