



**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/19/2248

**Re: Property at 3 Fens Farm Cottage, St Boswells, Scottish Borders, TD6 0DX
("the Property")**

Parties:

**Mr Andrew Ker, Fens Farm, St Boswells, Scottish Borders, TD6 0DX ("the
Applicant")**

**Mr Andrew Finn, 3 Fens Farm Cottage, St Boswells, Scottish Borders, TD6 0DX
("the Respondent")**

Tribunal Members:

Alan Strain (Legal Member)

Decision

**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 under section 51(1) of the Act and Rule 109 of the Tribunal
Procedure Rules for eviction and recovery of possession under Ground 12 of
Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 17 July 2019;
2. Private Residential Tenancy Agreement (PRTA) commencing 6 November
2018;
3. Section 11 Notice;
4. Notice to Leave dated 12 June 2019;
5. Email serving Notice to Leave dated 12 June 2019;

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6. Rent Statement to 6 August 2019.

Case Management Discussion (CMD)

The case called for a CMD on 15 October 2019. The Applicant was not present but was represented. The Respondent was present and represented himself.

The Respondent accepted that as at the date of the CMD he was 8 months in arrears and due £4,000. He did not have the funds to pay the arrears and had recently become unemployed. He applied for Universal Credit 3 weeks ago.

The Tribunal had regard to the documentary evidence which was not disputed and made the following findings in fact:

1. The Parties entered in to a PRTA commencing 6 November 2018;
2. The monthly rent was £500;
3. As at the date of service of the Notice to Leave the Respondent was £2,000 (4 months) in rent arrears;
4. As at the date of the CMD the Respondent was £4,000 (8 months) in rent arrears;
5. Notice to Leave had been validly served on 12 June 2019;
6. Section 11 notification had been served on the local authority;
7. The rent arrears were not due in any part to a failure or delay in paying a relevant benefit.

The Tribunal considered the terms of the Act and Ground 12. The Respondent was in arrears of rent for a period in excess of 3 months at the date of service of the Notice to Leave and at the date of the CMD. Appropriate notification had been given to the local authority and the rent arrears were not due to any delay or failure to make payment of a relevant benefit.

The Tribunal considered that it had sufficient information to determine the matter and the procedure had been fair.

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

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. Strain

15 October 2019

Legal Member/Chair

Date