



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/20/0311

Re: Property at 15 Glenview Court, Gorebridge, EH23 4BU (“the Property”)

Parties:

A and E Property Scotland Ltd, 27 Union Park, Bonnyrigg, EH19 3DF (“the Applicant”)

Ms Marie Russell, 15 Glenview Court, Gorebridge, EH23 4BU (“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 an order of eviction be granted.

Background

The applicant applied to the First Tier Tribunal for Scotland by application dated 29 January 2020. Accompanying the application was a rent statement together with a Notice to Leave, Notice by the landlord in terms of Section 11 of the Homelessness etc (Scotland) Act 2003. Subsequently a copy of the private residential Tenancy Agreement was provided. On 7 May 2020 the application was accepted for determination.

Intimation of the proceedings was made by Sheriff Officer on the Respondent on 16 July 2020.

No representations have been received from the Respondent or anyone acting on her behalf.

Case Management Discussion

**Mr Wesley the applicant attended on the teleconference
was no appearance by or for the Respondent.**

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The applicant confirmed that at the point of initial application the Respondent was due the sum of £2,243.26 in rent which represented more than three months of rent. The Respondent had never in fact paid the full amount of rent due. No payment of rent had been paid since 2 December 2012. The outstanding sum due in terms of rent was £ 6500.00

Findings in Fact

- 1. The parties entered into private residential tenancy for the property at 15 Glenview, Court, Gorebridge, EH23 4BU on 14 February 2019.**
- 2. Rent was due in terms of the said property at the sum of £700 per calendar month.**
- 3. As at the date of application on 29 January 2020 the sum of £2,243.26 of rent was due. Rent had been continuously outstanding throughout the whole of the tenancy and since 15 February 2019.**
- 4. No payment of rent had been made since 2 December 2019 and the amount of rent outstanding was currently £ 6500.00**
- 5. The Respondent had been in rent arrears over significantly more than three consecutive months.**

Reasons for Decision

The paperwork as lodged by the applicant was in order. The Respondent did not attend on the tele-conference nor had made any written representations.

The Tribunal accepted the applicant's position that in fact rent had been owing since the tenancy began. There was now a significantly greater than three consecutive months' period in which rent arrears were due. The Respondent had paid nothing since 2 December 2019.

Decision

To grant an order of eviction.

Reasons for Decision

The paperwork was all in order. The legal representative acting on behalf of the applicant confirmed that no further rent had been paid since the application was lodged. The Respondent had provided no representations nor had attended or was represented on the tele-conference.

The Tribunal accepted the position as set forward by the applicant. The Respondent is now considerably more than three months in arrears of rent.

Decision

An order for eviction was granted.

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.

14 August 2020

Legal Member/Chair

Date