



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/20/0389

Re: Property at 5A High Street, Newmilns, KA16 9EE (“the Property”)

Parties:

Mr Mohammed Ashraf, 47 Main Street, Newmilns, KA16 9DA (“the Applicant”)

Miss Rebecca Katrina Allan, Mr Ross Hunter Austin, 5A High Street, Newmilns, KA16 9EE; 5A High Street, Newmilns, KA16 9EE (“the Respondents”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicant.

Background

The Applicant holds the landlord's interest and the Respondents the tenant's interest under a private residential tenancy agreement dated 1 September 2019.

The Applicant wishes possession of the Property to be granted in his favour in respect of the Respondents' failure to pay rent.

The Case Management Discussion

A Case Management Discussion ("CMD") took place by conference call on 17 August 2020. The Applicant was present. The Respondents were neither present nor represented. The Tribunal was satisfied that notification of the hearing had been

given to the Respondents. The Respondents have taken no part in any stage of the proceedings.

Findings in Fact

The Applicant holds the landlord's interest and the Respondents the tenant's interest under a private residential tenancy agreement dated 1 September 2019.

The Tenancy Agreement provides that rent is due at the rate of £350 per month.

The sum of £849.62 is outstanding by the Respondent to the Applicant in respect of unpaid rent.

At the time of serving notice to leave on 23 December 2019 rent had been outstanding for three consecutive months in a total of £700.

Rent arrears have increased since that time until the present day and now stand at £849.62.

Reasons for Decision

At the date of the CMD the Respondents are in arrears of more than one month's rent and have been in arrears for a continuous period of more than three consecutive months. The Tribunal accordingly requires to make an order in terms of section 51(2) of the 2016 Act.

Decision

An order for possession of the Property will be made in favour of the Applicant.

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.

John McHugh, Legal Member/Chair

17 August 2020
Date