



**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/20/0986**

**Re: Property at 4 Hallforest Avenue, Kintore, Aberdeenshire, AB51 0TF (“the Property”)**

**Parties:**

**Mrs Sharon Barnes, Tigh Mhor, Fassock, Kiltarlity, Beauly, Inverness-shire, IV4 7HT (“the Applicant”)**

**Mr Kevin Cameron, Ms Kerry Stewart, 4 Hallforest Avenue, Kintore, Aberdeenshire, AB51 0TF (“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 5 March 2019. The Applicant wishes possession of the Property to be granted in her 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 19 August 2020. The Applicant was present. The Respondents were neither present nor represented. The Respondents had emailed the Tribunal the day before the CMD to request a postponement as they both had competing work commitments.

The Tribunal refused this application as it came so late in the day and it seemed that the Respondents should have been in a position to make themselves available, failing which to send a representative or to make written representations. On the day of the CMD, the Respondents provided written representations which the Tribunal took into account. In those representations, the Respondents accepted that they had failed to make rent payments due in November, January and February 2020 and that arrears currently stand at £2625. The Respondents had reduced financial circumstances and the parties had agreed a reduced rent for a period to reflect that. The Respondents are now in improved circumstances and wish to settle the arrears and remain in the Property.

At the CMD, the Applicant advised that the Respondents had not made any payments towards the arrears and had done nothing to address them other than in the email sent to the Tribunal in respect of the CMD. The Applicant insisted upon her application and the Tribunal is, in the current circumstances, obliged to grant it.

### **Findings in Fact**

The Applicant holds the landlord's interest and the Respondents the tenant's interest under a private residential tenancy agreement dated 5 March 2019.

The Tenancy Agreement provides that rent is due at the rate of £875 per month.

At the time of serving notice to leave dated 29 February 2020 three months' rent was outstanding.

The sum of £2625 is currently outstanding by the Respondents to the Applicant in respect of unpaid rent.

### **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.**



**19<sup>th</sup> August 2020**

**John McHugh, Legal Member/Chair**

**Date**