



**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/21/0273

Re: Property at 9 Queen Victoria Street, Airdrie, ML6 0DL (“the Property”)

Parties:

Mr Rohit Santa, 103 Granville Road, Uxbridge, UB10 9AF (“the Applicant”)

Mr Darshan Singh, 9 Queen Victoria Street, Airdrie, ML6 0DL (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent).

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) refused to grant an eviction order against the Respondent.

1. This is an application under Section 51 of the Private Housing (Scotland) Act 2016 for an Eviction Order.
2. The Respondent is the sole tenant. He entered into a tenancy agreement on the 11th of January 2019. The tenancy agreement specifies that £425 is due in respect of rent each calendar month payable in advance.
3. The Applicant asserted that the Respondent has accrued rent arrears, at the date of the application, in the sum of £3,469.17. The ground for the eviction order relied upon by the applicant is Ground 12 which provides the tribunal with discretion to grant the eviction order if satisfied that rent arrears had accrued of more than three months and it was reasonable to grant the eviction order.

4. The two-member case management discussion took place at 10.00 am on 7 May 2021 by teleconference. The Applicant's representative, Miss McGuire joined the hearing.
5. The respondent failed to engage with the application. We decided to continue with the hearing in his absence after satisfying ourselves that all the relevant papers had been properly served on the Respondent and that he was notified of today's CMD in time.
6. Since the coming into force of the Coronavirus (Scotland) Act 2020, all eviction grounds are discretionary. Additionally, the notice periods have been extended by virtue of the 2020 Act. The relevant notice period is now 3 months. We were satisfied that proper notice had been given.
7. A separate application has been made for a payment order under reference HPC/ CV/ 21/ 0278, representing rent arrears up to and including the 31st of December 2020.
8. Mrs Maguire informed us that the Respondent has vacated the property. Accordingly, we were not satisfied that it would be reasonable to grant an eviction order. We were informed that the Respondent left some months ago and has not made any attempt to re-enter the property which, in any case, has had its locks changed. We could see no justifiable reason for granting an eviction order in these circumstances.

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.

Legal Member: Lesley-Anne Mulholland

Date: 7 May 2021