



**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/21/0849**

**Re: Property at Flat 35/4, Elfin Square, Gorgie Road, Edinburgh, EH11 3AN (“the Property”)**

**Parties:**

**LAR Housing Trust, F3 Buchan House, Enterprise Way, Fife, Dunfermline, KY11 8PL (“the Applicant”)**

**Ms Michelle Dawson, Flat 35/4, Elfin Square, Gorgie Road, Edinburgh, EH11 3AN (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- Background

This is an application for an eviction order in relation to the Respondent’s occupation of the Property in terms of a private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 2 June 2021, by teleconference. The Applicant was represented on the call by Ms Donnelly of TC Young, solicitors. The Respondent did not call in to the conference and was not represented. The commencement of the CMD was delayed by 10 mins to allow for any technical difficulty the Respondent may have been having, but there remained no contact from her.

The application was served by sheriff officers on the Respondent on 4 May 2021. There has been no written response or any other contact with the Tribunal from the Respondent. The Tribunal was satisfied that she was aware of today’s CMD and decided to proceed in her absence.

- Findings in Fact

1. The Respondent lets the Property from the Applicant in terms of a private residential tenancy, with a start date of 27 May 2020.
2. In terms of that tenancy, rent of £720 per calendar month is payable on the first day of each month.
3. The Respondent has made only one payment of rent since the start of the tenancy, on 27 May 2020.
4. A credit to the rent account of £294 was made by the Applicant on 16 July 2020 as reimbursement for a bill from a pest control company paid by the Respondent.
5. The Respondent has been continuously in arrears of rent since 1 July 2020.
6. On 23 September 2020, the Applicant served a notice to leave on the Respondent, relying on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.
7. This application was raised on 6 April 2021.
8. The Applicant followed the pre-action requirements set out in the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020, before raising the application.

- Reasons for Decision

9. As at the date of the CMD, the Respondent has been in arrears for 11 consecutive months.
10. The Tribunal is satisfied that it is reasonable to grant an order for eviction. There has been no payment made by the Respondent for over a year. She has not engaged with the Applicant, despite the latter having followed the pre-action requirements imposed in regulations. The level of arrears is significant. The Respondent has not offered any information to suggest that it would not be reasonable to grant the order.
11. On that basis, Ground 12 is made out and an eviction order should be made.

- Decision

### **Eviction order 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.

# N Young

Nairn Young  
Legal Member/Chair

2 June 2021  
Date