



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/21/2064

Re: Property at 179 Liff Road, Dundee, DD2 2TG (“the Property”)

Parties:

JiB Properties, 14 Piperdam Drive, Fowlis, Dundee, DD2 5LY (“the Applicant”)

Ms Lisa Thow, 179 Liff Road, Dundee, DD2 2TG (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

The Applicant seeks an Eviction Order in terms of Ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy, a rent statement, a copy of the Notice to Leave and proof of service together with the relevant notice intimated to the local authority under s 11 of the Homelessness Etc. (Scotland) Act 2003.

The Case Management Discussion

The Application called as a Case Management Discussion (CMD) by conference call at 2pm on 20 October 2021. The Applicant was represented by Mrs Royle of Gilson Gray Solicitors. There was no appearance by or on behalf of the Respondent. The Tribunal

noted that Sheriff Officers had served the Application and information about how to join the conference call on the Respondent on 16 September 2021. The Tribunal therefore decided to proceed to determine the Application in the absence of the Respondent.

Having considered the Application and having heard from Mrs Royle, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy in respect of the Property which commenced on 1 December 2017;*
- II. *The Applicant was the landlord and the Respondent was the tenant under that tenancy;*
- III. *The contractual monthly rent due under the tenancy was the sum of £600.00;*
- IV. *The Respondent fell into rent arrears;*
- V. *On 17 February 2021, The Applicant served a Notice to Leave on the Respondent on the basis of Ground 12 of Schedule 3 of the Act;*
- VI. *The Notice to Leave provided the Respondent with the correct period of notice and confirmed that no Application would be lodged with the Tribunal before 19 August 2021;*
- VII. *The Respondent refused to vacate the Property at the end of the notice period;*
- VIII. *The Applicant subsequently brought this Application before the Tribunal;*
- IX. *At the time of service of the Notice to Leave and also as at today's CMD, the Respondent was in arrears of rent of a sum in excess of one month's rent and had also been in arrears of rent for a period of in excess of three months.*
- X. *The Respondent is currently in arrears of rent in the sum of £10,650.00;*
- XI. *The Applicant has made reasonable efforts to direct the Respondent to sources of advice and support regarding her rent arrears;*
- XII. *The Respondent has not cooperated with the Applicant or made any effort to resolve matters;*

XIII. *The Respondent has most likely left the Property but has left some personal belongings behind in boxes.;*

Reasons for Decision

Having made the above findings in fact and having also carefully considered the reasonableness or otherwise of granting an order, the Tribunal considered that Ground 12 of Schedule 3 of the Act is engaged and that it is also reasonable to grant the Order.

The Tribunal therefore granted the Application and made an Eviction Order.

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.

A. M

20 October 2021

Legal Member/Chair

Date