



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/22/0842**

**Re: Property at 2/2 Loganlea Place, Edinburgh, EH7 6PB (“the Property”)**

**Parties:**

**MR JOHN BENNETT, 161 Restalrig Road South, Edinburgh, EH7 6DY (“the Applicant”)**

**MS JANE REID OR YOUNG, 3/2 Primrose Street, Edinburgh, EH6 8DL (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Frances Wood (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 order for possession of the Property, which is let to the Respondent by the Applicant in terms of an assured tenancy. It called for a case management discussion (‘CMD’) at 10am on 22 August 2022, by teleconference. The Applicant was represented on the call by Ms Donnelly of TC Young, solicitors. The Respondent did not call in and was not represented on the call. The commencement of the CMD was postponed for 10 minutes to allow for any technical difficulty she may have been experiencing, but she did not make contact.

The CMD had been postponed on the Applicant’s request from 24 June 2022. Notice of that original date was served on the Respondent by sheriff officers on 18 May

2022. The request for a postponement was copied to the Respondent on 26 May 2022 and she was given until 10 June 2022 to make any comment. She did not respond. The new date for the CMD was notified to her on 23 July 2022, by post. She has not made any written submission indicating opposition to the application at any point.

The Tribunal was satisfied that the Respondent was aware of the CMD but had chosen not to attend. On that basis, it considered it reasonable to proceed in her absence.

- Findings in Fact

1. The Applicant let the Property to the Respondent in terms of a short assured tenancy with an original term of 30 May 2016 to 30 November 2016, continuing thereafter on a monthly basis until terminated.
2. In terms of that tenancy agreement rent of £640 was due on the 30<sup>th</sup> of every month.
3. On 12 July 2021, the Applicant's agents sent a letter to the Respondent detailing that she was £12,800 in arrears of rent and providing the other information stipulated by the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
4. On 30 July 2021, the Applicant's agents sent a further letter to the Respondent, again providing the information stipulated by the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
5. On 20 August 2021, the Applicant served a notice to quit on the Respondent bringing the contractual tenancy to an end on 30 October 2021.
6. Also on 20 August 2021, the Applicant served a form AT6 on the Respondent, indicating that action to recover the tenancy could be raised on grounds 8, 11 or 12, no earlier than 21 February 2022.

7. At the time of service of the form AT6, the Respondent was in rent arrears of £13,440.

8. The Respondent no longer resides at the Property, but has not returned her keys and has left items of her property there.

9. As at the date of CMD, the Respondent was in arrears of rent totalling £20,480.

- Findings in Fact and Law

10. Grounds 8, 11 and 12 of Schedule 5 to the Housing (Scotland) Act 1988 are established.

11. It is reasonable to grant an order for possession of the Property.

- Reasons for Decision

12. The grounds in the Act are made out in terms of the facts as set out above.

13. The arrears are very large, such that it would ordinarily be considered reasonable for the order to be granted, absent any contrary evidence. No position has been advanced on the part of the Respondent to suggest that it would not be reasonable to grant the order sought. The pre-action requirements have been satisfied by the Applicant. The Respondent appears no longer to live in the Property, but has not fully removed herself from it. For all of these reasons, it is reasonable to grant an order for possession.

- Decision

**Order for possession 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.

# Nairn Young

22/08/2022

Legal Member/Chair

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Date