



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/22/1474

Re: Property at 28G Kinnoull Street, Perth, PH1 5EX ("the Property")

Parties:

Mrs Rhona McLaren and Mr Andrew McLaren, Wester Keillour Farm, Methven, Perth, PH1 3RA ("the Applicants")

Mr Ciro Sito and Ms Aleksandra Polok, formerly of 28G Kinnoull Street, Perth, PH1 5EX and now of 7 Viewfield Place, Perth, PH1 5AG ("the Respondents")

Tribunal Members:

Gillian Buchanan (Legal Member) and Helen Barclay (Ordinary Member)

Decision

A Case Management Discussion ("CMD") took place by telephone conference on 7 September 2022. The First Applicant attended the CMD on behalf of herself and the Second Applicant and the First Respondent also attended on his own behalf and on behalf of the Second Respondent.

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

Background

The Tribunal noted the following background:-

- i. The Applicants leased the Property to the Respondents in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 12 April 2019.
- ii. The rent payable in terms of the PRT is £475 per month payable monthly in advance.
- iii. At the outset of the PRT the Respondents paid a deposit of £475.
- iv. The rent arrears due as at the date of the application were £5,875.
- v. That on 6 April 2022, the Applicants served on the Respondents by email a Notice to Leave requiring the Respondents remove from the Property by 7 May 2022 on the basis that rent arrears had accrued over three consecutive months.

- vi. That on each of 13, 21 and 28 March 2022 the Applicants wrote to the Respondents signposting the Respondents to sources of financial help and support.
- vii. That the Applicants have served on Perth & Kinross a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The Case Management Discussion

At the CMD the First Applicant made the following representations:-

- i. That the rent arrears currently due by the Respondents are £8,250.
- ii. That the Respondents have made no payments to the Applicants since June 2021.
- iii. That at 9pm on 6 September 2022 (the evening before the CMD) the Respondents sent a text message to the Applicants to say they had vacated the Property and left the keys behind.
- iv. That the Second Respondent had attended at the Property during the morning before the CMD to find that the Respondents had removed but the Applicants had not had an opportunity to secure the Property.
- v. The Applicants remained anxious that if an eviction order was not granted the Respondents might return to the Property.

At the CMD the First Respondent made the following representations:-

- i. That the Respondents had vacated the Property on Monday 5 September and had finished on Tuesday 6 September 2022.
- ii. That the Respondents had left all sets of keys to the Property behind.
- iii. That the Respondents had been allocated a house by Perth & Kinross Council and were now living at 7 Viewfield Place, Perth, PH1 5AG.
- iv. That the Respondents had no objection to an eviction order being granted as they would not be returning to the Property.

Reasons for Decision

The factual background described within the application and associated papers and as narrated by the First Applicant at the CMD was not challenged by the Respondents and was accepted by the Tribunal.

The rent arrears are substantial with no payment by the Respondents having been made since June 2021.

The Tribunal considered whether or not it would be reasonable to grant an eviction order and determined that it would be reasonable to grant an eviction order under Ground 12 of Schedule 3 of the 2016 Act.

Whilst the Respondents stated that they had vacated the Property and so advised the Applicants by text on the evening before the CMD and whilst the Second Applicant had attended at the Property on the morning of the CMD to find the keys left there and the Property vacated, the Applicants remained anxious that the Respondents may try to return to the Property and had not yet been able to secure it by changing the locks.

The Respondents had no objection to an eviction order being granted. There is no prejudice to them and they are living elsewhere.

Decision

The Tribunal, with the consent of the Respondents, grants an eviction order against the Respondents in favour of the Applicants.

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.

G Buchanan



Legal Member/Chair

7 September 2022
Date