



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 (1) of the Housing (Scotland) Act 1988 (“The Act”)

Chamber Ref: FTS/HPC/EV/22/1506

Re: Property at 10 Gosford Road, Kirkcaldy, Fife, KY2 6TZ (“the Property”)

Parties:

Mr David Grierson, Mrs Denise Grierson, 2 The Holdings, Tower Grove, Perth, PH2 7JX (“the Applicant”)

Mrs Catherine Reid, Mr Paul Reid, 10 Gosford Road, Kirkcaldy, Fife, KY2 6TZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (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”) decided to grant the Application and made an Eviction Order.

Background

The Applicant seeks an Eviction Order based on the application of grounds, 8,11 and 12 of Schedule 5 of the Act. The Application is accompanied by a copy of the Notice to Quit and Form AT6 together with proof of service on the Respondents; evidence of compliance with s 11 of the Homelessness (etc) Scotland Act 2003 and a rent statement.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call on 14 September 2022. The Applicants were personally present together with Mr McPhate, Solicitor, from Morgans. There was no appearance by or on behalf of the Respondents. The Application and information about how to join the conference call was competently served on the Respondents by Sheriff Officers. Accordingly, the Tribunal decided to proceed in the absence of the Respondents.

Having heard from Mr McPhate and also directly from the Applicants in respect of their compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020* and having considered the Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicants and the Respondents entered into a tenancy agreement whereby the Applicants let the Property to the Respondents on a short assured tenancy which commenced on 11 April 2011;*
- II. *The contractual monthly rent is currently £615.00;*
- III. *The Respondents fell into rent arrears and stopped making any rental payments from around June 2021;*
- IV. *In October 2021, the Applicants competently served a Notice to Quit and Form AT6 in terms of Grounds 8, 11 and 12 of Schedule 5 of the Act on the Respondents calling upon them to vacate the Property by 11 April 2022;*
- V. *The Respondents have subsequently made no further payments of rent and at today's date the sum of £11,070.00 is lawfully due as rent arrears but remains unpaid;*
- VI. *Grounds 8,11 and 12 of Schedule 5 of the Act were established as at the date of service of the notices.*
- VII. *These Grounds remain established as at today's date.*
- VIII. *The Respondents have failed to engage on any level with the Applicants as to why they have stopped paying rent;*
- IX. *The Applicants are accruing their own substantial losses as a result of continuing to have to pay the mortgage over the Property without receiving any rental income;*

- X. *The Applicants have complied with their obligations under The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- XI. *Both Respondents are thought to be in employment and nothing about their circumstances offers any insight into their failure to pay any rent;*
- XII. *The Respondents have at times failed to allow the Applicants access to the Property to carry out necessary inspections;*
- XIII. *It is reasonable that an Eviction Order is granted.*

Reasons for Decision

Having made the above findings in fact, the Tribunal 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.

Andrew McLaughlin

Legal Member/Chair

14 September 2022
Date