



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

Chamber Ref: FTS/HPC/EV/22/3140

Re: Property at 76 Carron Place, Irvine, North Ayrshire, KA12 9NE (“the Property”)

Parties:

Easton Property Limited (formerly Clyde Property Ltd), 2 Newfield Street, Dundonald, South Ayrshire, KA2 9EW (“the Applicant”)

Miss Angela Lennon, Mr Stuart Adam, 76 Carron Place, Irvine, North Ayrshire, KA12 9NE (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property.

Background

1. By application dated 30 August 2022 the Applicant applied to the Tribunal for an order for the eviction of the Respondents from the property under ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant submitted a copy of a tenancy agreement, Notice to leave with proof of service, Section 11 notice with intimation to North Ayrshire Council, rent statement and authorisation letter in support of the application.
2. Following correspondence between the Applicant and the Tribunal administration a legal member of the Tribunal by Notice of Acceptance dated 27 October 2022 accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondents by Sheriff Officers on 8 December 2022.
4. By email dated 17 January 2023 the Respondents' representative advised the Tribunal that the application was not opposed.

The Case Management Discussion

5. A CMD was held by teleconference on 27 January 2023. The Applicant was represented by its property manager Ms Aynsley Barclay. The Respondents did not attend but were represented by Mr Alister Meek.
6. Mr Meek confirmed that there was no opposition to the order for eviction being granted. Ms Barclay confirmed that the Notice to Leave had been properly served and that the arrears of rent had increased to £6400.00 and that the order should be granted.
7. The Tribunal noted that a Section 11 notice had been sent to North Ayrshire Council and that pre-action correspondence had been sent to the Respondents. Given that there was no opposition to the order sought it would be reasonable to grant it.

Findings in Fact

8. The Respondents are the Tenants of the property in terms of a Private Residential Tenancy that commenced on 1 December 2020 at a rent of £400.00 per calendar month.
9. The Applicant is the landlord by virtue of its purchase of the property in June 2022.
10. The Respondents were served with a Notice to Leave by email on 9 February 2022 under ground 12 of Schedule 3 of the 2016 Act.
11. North Ayrshire council was given intimation of these proceedings by email of a Section 11 notice on 30 August 2022.
12. The Respondents were sent pre-action correspondence advising them of their rights by email dated 26 August 2022.
13. The Respondents do not oppose the granting of an order for eviction.

Reasons for Decision

14. The Tribunal was satisfied that a valid Notice to Leave had been served on the Respondents and that arrears had continued to accrue to the extent that the Respondents were owe the Applicant £6400.00 at the date of the CMD. The Tribunal was also satisfied that proper intimation of the proceedings had been

given to North Ayrshire Council and that pre-action correspondence had been sent to the Respondents advising them of their rights. Given that the Respondents were not opposed to the order being granted and given the level of arrears that had accrued the Tribunal was satisfied that it was reasonable to grant the order for eviction.

Decision

15. The Tribunal being satisfied that it has sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for the eviction of the Respondents from the property under ground 12 of Schedule 3 of the 2016 Act.

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.

**Graham Harding
Legal Member/Chair**

**27 January 2023
Date**