



**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/23/0812**

**Re: Property at 2A Thomas Campbell Street, Saltcoats, KA21 5PG (“the Property”)**

**Parties:**

**Miss Iris Steele, 5 Marchfield Drive, Dumfries, DG1 1GL (“the Applicant”)**

**Mr John Riddex, 2A Thomas Campbell Street, Saltcoats, KA21 5PG (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Mike Scott (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 under ground 12 of Schedule 3 of the Act in that the Applicant is said to have been in arrears of rent of a sum equal to at least one month’s worth of arrears and to have been so in arrears for at least a period of three months. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on together with proof of service, rent statements and evidence of compliance with both the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.

**Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call on 22 June 2023. The Applicant was represented by their letting agent, Ms Styles. There was no appearance on behalf of the Respondent. On the basis that the Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent.

Having heard from Ms Styles, the Tribunal found the following facts established.

### **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy;*
- II. *The Respondent fell into rent arrears and the Applicant competently served a notice to leave on the Respondent under ground 12;*
- III. *Ground 12 was established as at that date and remains established.*
- IV. *The Applicant has complied with the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- V. *The Respondent has not paid any rent all year and has failed to engage with payment plans that have been offered by the Applicant;*
- VI. *The Respondent lives alone in the Property.*

### **Reasons for Decision**

Having made the above findings in fact, the Tribunal found the ground relied on established and that it is reasonable to make 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 McLaughlin

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Legal Member/Chair

22 June 2023

Date