



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/23/0853

Re: Property at Flat E, 18 Inchinnan Road, Paisley, PA3 2RA (“the Property”)

Parties:

Dream World Investing LTD, Tortola Pier Park, Wickhams Cay I, Tortola, British Virgin Isles (“the Applicant”)

Ms Mokina Bonkinova, Flat E, 18 Inchinnan, Paisley, PA3 2RA (“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”) granted the Application and made an Eviction Order.

Background

The Applicant seeks an Eviction Order against the Respondent under ground 12 A of schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to leave and proof of service, evidence of the rent arrears relied on and of compliance with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and the Homelessness (etc) (Scotland) Act 2003.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 29 June 2023. The Applicant was represented by Mr Chisolm, solicitor, of Complete Clarity Solicitors. There was no appearance by or 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 proceeded in the absence of the Respondent. Having heard from Mr Chisolm and having considered the Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant and the Respondent entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy;*
- II. *The Respondent fell into significant rent arrears;*
- III. *The Applicant competently served a notice to leave under ground 12 A of Schedule 3 of the Act;*
- IV. *The Applicant has complied with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent has failed to pay any rent for around three years;*
- VI. *Ground 12 A was established at both the date of service of the notice to leave and as at today's date;*
- VII. *The Respondent is an Adult with no dependents who has failed to engage at any point with the Applicant or with the Tribunal.*

Reasons for Decision

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



Legal Member/Chair

29 June 2023

Date