



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/23/1053

Re: Property at 10D Gibraltar Road, Dalkeith, EH22 1DZ (“the Property”)

Parties:

Mrs Lynn McNeill, 7 Quarryfoot Green, Bonnyrigg, EH19 2EJ (“the Applicant”)

Mrs Pauline Black, Miss Rebecca Black, Mr Mark Black, 10D Gibraltar Road, Dalkeith, EH22 1DZ (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mike Scott (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application.

Background

The Applicant seeks an Eviction Order under Ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement together with the relevant notices relied on.

The Case Management Discussion

The Application called for a CMD by conference call at 2pm on 27 July 2023. The Applicant was represented by Mr Neil Reid. The Respondents were neither present nor

represented. The Application and information about how to join the conference call had been served on the Respondents by sheriff officers. The Tribunal accordingly decided to proceed in the absence of the Respondents. Having heard from Mr Reid and having considered the documentation before the Tribunal, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant and the Respondents entered into a Private Residential Tenancy whereby the Applicant let the Property to the Respondents;*
- II. *The contractual monthly rent was £550.00;*
- III. *The Respondents fell into rent arrears and at today's date the sum of £3,330.00 is lawfully due as rent arrears by the Respondents to the Applicant but remains unpaid;*
- IV. *The Applicant has complied with s11 of the Homelessness (etc) Scotland Act and has made reasonable efforts to resolve matters short of raising eviction proceedings;*
- V. *The Respondents have failed to engage with the Tribunal process;*
- VI. *There is nothing before the Tribunal that suggests that it would not be reasonable to grant the Application.*

Reasons for Decision

Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

Decision

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

27 July 2023

Date