



**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) (“The Act”)**

**Chamber Ref: FTS/HPC/EV/23/2067**

**Re: Property at 15 Dunton Knoll, Irvine, North Ayrshire, KA12 0RB (“the Property”)**

**Parties:**

**Easton Property Residential Limited, 2 Newfield Drive, Dundonald, Kilmarnock, KA2 9EW (“the Applicant”)**

**Miss Sophie Fisher, Mr Jordan Robinson, 15 Dunton Knoll, Irvine, North Ayrshire, KA12 0RB; 15 Dunton Knoll, Irvine, North Ayrshire, KA12 0RB (“the Respondents”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

**Background**

[1] The Applicant seeks an Eviction Order under ground 12A of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on with proof of service, the notice under s11 of the Homelessness (etc) (Scotland) Act 2003; evidence of compliance with The Rent Arrears Pre-Action Requirements Coronavirus (Scotland) Regulations 2020 together with rent statements.

**The Case Management Discussion**

[2] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 4 September 2023. The Applicant was represented by Ms Barclay of Easton Housing Ltd. There was no appearance by or on behalf of the Respondents. On the basis that the Application and information about how to join the CMD had been served on the Respondents, the Tribunal decided to proceed in the absence of both Respondents.

[3] Having heard from Ms Barclay and having considered all the documentation before it, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy Agreement;*
- II. *The contractual monthly rent is now £450.00;*
- III. *The Respondents have fallen into rent arrears;*
- IV. *The Respondents are now in rent arrears in the sum of £5118.97;*
- V. *The Applicant competently served notices to leave by email on both Respondents under Ground 12A of schedule 3 of the Act;*
- VI. *Ground 12A was established at the date of service of the notices to leave and remains established as at today's date;*
- VII. *The Applicant has complied with The Rent Arrears Pre-Action Requirements Coronavirus (Scotland) Regulations 2020;*
- VIII. *The Applicant has complied with s11 of the Homelessness (etc) (Scotland) Act 2003;*
- IX. *There is nothing to suggest any reason as to why it might not be reasonable to make an Eviction Order;*

### **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal grants the Application and makes 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**

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**Legal Member/Chair**

**4 September 2023**

**Date**