

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/22/0759

**Property:** 71 Church Street, Dumfries DG2 7AT (“the Property”)

**Parties:** Mr Kenny Degnan, 28 Averill Crescent, Dumfries DG2 7RY (“the Applicant”)

Mr Liam Donowho, 71 Church Street, Dumfries DG2 2AT (“the Respondent”)

**Tribunal Members:**

Mark Thorley (Legal Member)

Angus Lamont (Ordinary Member)

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that an order of eviction be granted.

**Background**

1. The applicant applied to the First-tier Tribunal for Scotland by application dated 15 March 2022. Accompanying the application was a copy Notice to Leave, copy Notice given to Local Authority, Private Residential Tenancy Agreement, copy correspondence between the parties, copy bank statements from January 2019 to February 2022.
2. The application was received by the tribunal on 16 March 2022. Further information was sought.
3. The application was accepted on 5 May 2022. Intimation of the proceedings was given to the respondent by sheriff officer. There were no written responses.

**Case Management Discussion**

4. Ms Turnbull from Colledge & Shields, Solicitors, Dumfries attended on behalf of the applicant. Ms Donowho, the respondent’s mother, attended on his behalf. It was accepted by the respondent that rent arrears were outstanding and had been now for more than twelve months. It was accepted that eviction should be granted. The respondent had received advice from the Local Authority indicated that an order for eviction required to be granted for him to be rehoused.

**Findings in fact**

5. The parties entered into a Private Residential Tenancy Agreement for the property at 71 Church Street, Dumfries DG2 7AT with a commencement date of 28 September 2018.
6. Rent was due to be paid at the rate of £450 per month. As at 15 March 2022 there were considerably more than three months of rent outstanding. No rent had been paid since May 2021.

**Reasons for decision**

7. The respondent's mother accepted the arrears of rent. Eviction was not opposed. The documentary evidence was in place.

**Decision**

8. An order of eviction was granted.

**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/Cha**



**Date: 13 July 2022**