



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/19/0269

Re: Property at 69E, Sandeman Street, Dundee, DD3 7LB (“the Property”)

Parties:

Quarry Management & Investment Co. Ltd, Quarry Cottage, Main Street, Inchture, Perthshire, PH14 9RN (“the Applicant”)

Mr Stewart Douglas, 69E, Sandeman Street, Dundee, DD3 7LB (“the Respondent”)

Tribunal Members:

Maurice O'Carroll (Legal Member)

Decision (in the absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. A Case Management Discussion (“CMD”) was held at 2pm on 15 April 2019 at Caledonian House, Greenmarket, Dundee. Mr Joseph Myles of Myles and Company, solicitors, appeared for the Applicant. There was no appearance by the Respondent or anyone on his behalf. No reason or advance notification of the Respondent’s non-appearance had been provided.
2. The Legal Member was satisfied that due notice of the CMD had been served on the Respondent by Sheriff Officer, having seen a Certificate of Notice dated 28 March 2019. Accordingly, the Tribunal decided to hold the CMD in the absence of the Respondent.

Findings in fact

3. The parties entered into a Rental Agreement in respect of the Property which commenced on 20 July 2018. The rent payable was £475 per calendar month.

4. The Applicant provided a statement of rent received which showed that no rent has been paid by the Respondent since the commencement of the lease. This was accepted by the Tribunal.
5. On 16 November 2018, the Applicant served Notice to Leave on the Respondent by recorded delivery mail. This was subsequently returned to the Applicant marked "not called for."
6. The Applicant relies upon paragraphs 12(1) and (2) of Schedule 3 of the 2016 Act, in that rent has not been paid under the Rental Agreement for a period of at least three months. It seeks recovery of possession. Section 54(3)(b) of the 2016 Act applies.
7. Following a detailed email dated 22 February 2019, the Tribunal was satisfied that the Notice to Leave which had been served on the respondent was valid and had been validly served. It therefore permitted the application to proceed.

Decision

8. In light of the above findings in fact, the Tribunal is satisfied that:
 - the Notice to Leave served on the Respondent is valid
 - the Notice to Leave was validly served on 16 November 2018
 - the requisite period of notice was given
 - the grounds required in terms of section 54(3)(b) and Schedule 3, paragraph 12(1) and (2) of the 2016 Act have been established
9. Therefore it grants the Order sought.

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

15 April 2019
Date