



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/19/4055

Re: Property at 16 Smeaton Road, Kirkcaldy, Fife, KY1 2EY (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, KY6 2DA (“the Applicant”)

Mr Craig McKay, 16 Smeaton Road, Kirkcaldy, Fife, KY1 2EY (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant

Background

1. An application was received by the Housing and Property Chamber on 20th December 2019. It was dated 17th December 2019. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to grounds 12 and 14 of the Private Housing (Tenancies) Act 2016.
2. The case was conjoined with case FTS/HPC/CV/19/4057

The Case Management Discussion

3. A CMD was held on 13th March 2020 at 2pm at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicant was represented by Ms Dionne Brady, solicitor, Charles Wood & Son solicitors. The Applicant was not present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing. There has been no contact from the Respondent since the application was lodged. There are no outstanding Housing Benefit or Universal Credit Housing Element issues. It is believed that the Respondent is employed offshore. There are no known issues of reasonableness. The Tribunal was satisfied that ground 12 was met. As a result, Ms Brady did not seek to rely on ground 14.

Findings and reason for decision

4. A Private Rented Tenancy Agreement commenced 19th October 2018.
5. The Respondent persistently failed to pay his rent charge of £428.20 per month. The rent payments are due to be paid on 1st day of each month.
6. Arrears accrued to more than one months rent payment at the date of application and was more than three months rent payments at the date of the Notice to Leave and the hearing.
7. There are no outstanding Housing Benefit issues.
8. The arrears sought totalled £2700.57. The Tribunal was satisfied that the Respondent had been aware that a higher amount was being sought in the application.

Decision

9. The Tribunal found that ground 12 has been established and the Tribunal granted an order in favour of the Applicant.

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.

Ms Gabrielle Miller

13th March 2020

Legal Member/Chair

Date