



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/22/2720

Re: Property at 171 West George Street, Coatbridge, ML5 2DD (“the Property”)

Parties:

Sharon Hiddleston, Rigghead, Irongray, Dumfries, DG2 9SH (“the Applicant”)

Lesley Woodhead, 171 West George Street, Coatbridge, ML5 2DD (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

The Applicant seeks an Eviction Order in respect of ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, a rent statement, the notice to leave relied on with proof of service, evidence of compliance with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and evidence of compliance with the Homelessness (etc) (Scotland) Act 2003.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 13 April 2023. The Applicant was represented by Mr Ian Lobban. There was no

appearance by or on behalf of the Respondent. There had been a previous CMD where neither party had appeared. The Application and information about how to join the previous CMD had been competently served on the Respondent. The details of today's CMD had again been intimated to the Respondent by post. Accordingly, the Tribunal decided to proceed with the CMD in the absence of the Respondent.

Having heard from Mr Lobban and having considered the Application, 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 Respondent by virtue of a Private Residential Tenancy Agreement that commenced on 13 April 2019*
- II. *The contractual monthly rent was £480.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *On 13 January 2022, The Applicant competently served a Notice to Leave on the Respondent in terms of ground 12 of schedule 3 of the Act. That notice confirmed that an Application would not be submitted to the Tribunal before 19 July 2022. The Respondent did not vacate the Property and remains in occupation.*
- V. *At that time, ground 12 was established as the Respondent was in arrears of rent of a sum at least equal to one month's worth of rent and had been so in arrears for a period of at least three months;*
- VI. *Ground 12 remains established as at today's date and the Respondent has not now paid rent since January 2022;*
- VII. *The Respondent is believed to be in full time employment and to be without dependent children;*
- VIII. *The Applicant has complied with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and the Homelessness (etc) (Scotland) Act 2003;*
- IX. *It is reasonable to make an Eviction Order;*

Reasons for Decision

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

A. McLaughlin

Legal Member/Chair

Date 13 April 2023