



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/19/2573

Re: Property at 36 Forres Avenue, Dundee, DD3 0JD (“the Property”)

Parties:

Mrs Barbara Tandi, 16 Carrisbroke Road, Wednesbury, WS10 0JD (“the Applicant”)

Miss Sharyn Ross, Mrs Cheryl Baillie, 36 Forres Avenue, Dundee, DD3 0JD (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

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

1. An application was received by the Housing and Property Chamber on 19th August 2019. It was dated 14th August 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 ground 12 of the Private Housing (Tenancies) Act 2016.
2. The application included:-
 - a. Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 1st April 2018;
 - b. Notice to Leave signed 26th June 2019 stating the arrears to be £3310 at the date of the application with the monthly rent being £780 per

- month. It also stated that an application would not be submitted to the Tribunal before 28th July 2019;
- c. Section 11 notice noting proceedings would not be raised before 14th August 2019;
 - d. Rent statement from 1st February 2019 to 1st August 2019. This detailed the rent of £780 per month and arrears of £4870;
 - e. Sheriff Officers execution of service of the Notice to Leave served on both Respondents in the hands of the first named Respondent on 27th July 2019; and
 - f. Scottish Landlord Register printout confirming the Applicant is a registered landlord.
3. The Tribunal also had before it a copy of the title deeds numbered ANG38369.
4. On 5th September 2019, all parties were written to with the date for the Case Management Discussion (“CMD”) of 11th October 2019 at 10am at Caledonia House, Greenmarket, Dundee. The letter also requested all written representations be submitted by 26th September 2019.
5. On 10th September 2019, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondents by letterbox service and first class post. This was evidenced by Certificate of Citation dated 10th September 2019.

The Case Management Discussion

6. A CMD was held on 11th October 2019 at 11.30am at Caledonia House, Greenmarket, Dundee. The Applicant represented herself. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither party made representations in advance of the hearing. Mrs Tandi informed the Tribunal that the Respondent last paid a £400 payment 1st April 2019. Mrs Tandi informed the Tribunal that she had not had contact with the Respondents since then. A payment agreement had previously been entered into to pay the rent plus £110 per month but this had been broken sometime ago. She is not aware of any outstanding Housing Benefit or Universal Credit Housing Element issues. The current outstanding arrears to 1st October 2019 totals £6430.

Findings and reason for decision

7. A Private Rented Tenancy Agreement commenced 1st April 2018.

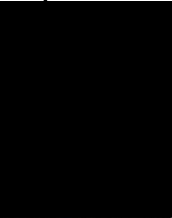
8. The Respondent persistently failed to pay her rent charge of £780 per month. The rent payments are due to be paid on 1st day of each month.
9. The Respondents have been in rent arrears for 3 or more consecutive months and was in more than 1 months rent arrears at the date of the hearing.
10. There are no outstanding Housing Benefit issues or other such benefits causing reasonableness to be a consideration.
11. The arrears sought totalled £6430 at the date of the Tribunal. At the date of the application the arrears amounted to £4870. The Tribunal was satisfied that the Respondent had been aware that a higher amount was being sought in the application.

Decision

The Tribunal found that ground 12 has been established and the 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.



Legal Member/Chair

11 OCT 19

Date