



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/19/3490

Re: Property at 13B Diamond Lane, Aberdeen, AB10 1WB (“the Property”)

Parties:

Mr Ro Lin Lim, 27 Jasmine Terrace, Aberdeen (“the Applicant”)

Ms Ishola Olabisi Omolade, 13B Diamond Lane, Aberdeen, AB10 1WB (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”) the Applicant was personally present.

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

Background

- The Applicant is the heritable proprietor of the Property along with Jek Koy Lim and Darren Soon Keat Lim.
- The Respondent is the tenant of the Property in terms of a Tenancy Agreement signed on 24 January 2018 (“the Tenancy Agreement”).
- The start date of the tenancy is stated in the Agreement to be 24 January 2018.
- The Tenancy Agreement is a Private Residential Tenancy Agreement under the Private Housing (Tenancies)(Scotland) Act 2016.
- In terms of the Agreement the rent payable by the Respondent to the Applicant was agreed to be £440 per month payable in advance on the same date in each month that the tenancy commences, namely the 24th day of each month.

- The Applicant served on the Respondent a valid Notice to Leave dated 25 September 2019. The Notice to Leave sought the Respondent's removal from the Property by 24 October 2019.
- As at the date of the Application to the tribunal the rent arrears accrued were £1,360.00 being £240 in respect of the rental payments that fell due on each of 24 June and 24 July 2019 and £440 in respect of the rental payments that fell due on each of 24 August and 24 September 2019.

The Case Management Discussion

The Applicant's Submissions:-

- At the CMD the Applicant advised that he had hand delivered the Notice to Leave to the Respondent on 25 September 2019. She had indicated to him that she would speak to the Council.
- The Applicant also advised that the Respondent had made no further payments of rent and that the rental payments of £440 that fell due on each of 24 October, 24 November and 24 December 2019 remained outstanding in full, making total arrears due of £2,680.00.
- The Applicant advised that the Respondent had not started work and that her husband had lost his job and was having treatment in hospital.
- The Applicant sought an order for eviction of the Respondent.

Reasons for Decision

- There exists between the parties a Private Residential Tenancy.
- A Notice to Leave has been properly served.
- The Respondent has been in arrears of rent for a continuous period of more than three consecutive months.
- The Respondent is due total arrears of rent that exceed one month's rent.
- The Respondent has had due intimation of this application in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.
- The terms of Ground 12 of Part 3 of Schedule 3 of the Act are met and the Tribunal must therefore issue an eviction order.

Decision

The Applicant is entitled to an order for eviction and the Tribunal made an order to that effect.

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/
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.

G Buchanan

Legal Member/Chair

28 January 2020
Date