



**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/22/3170**

**Re: Property at 26 Mount View, Dreghorn, North Ayrshire, KA11 4AS (“the Property”)**

**Parties:**

**Mr John Robb, 165 Main Street, Dreghorn, Ayrshire, KA11 4AF (“the Applicant”)**

**Miss Gayle Young, Mr Alessandro Gavazzeni, 26 Mount View, Dreghorn, North Ayrshire, KA11 4AS; 26 Mount View, Dreghorn, North Ayrshire, KA11 4AS (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Mike Scott (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondents from the property
2. By decision dated 27 October 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 1 November 2022. The Tribunal intimated the application to the parties by letter of 28 November 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were

also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 19 December 2022. No written representations were received by the Tribunal.

### **The case management discussion**

4. The Applicant was present and represented by Ms McCourt. The case management discussion took place by conference call and proceeded in the absence of the Respondents. The Applicant's representative explained that there has been no recent contact with the Respondents. She issued a letter to the Respondents reminding them of the details of today's CMD but did not receive a response. It is believed that the Respondents live in the property with their 3 children who are of primary school age. The Respondents have been in arrears of rent for many months; the arrears of rent have increased to £7,021. The Respondents have failed to engage with the Applicant's representative. The Applicant has a mortgage over the property and is being financially disadvantaged because of the Respondents' failure to pay rent. The Applicant is concerned about the condition of the property. The Respondents have refused to allow access for routine inspections or for gas safety inspections. The Applicant's representative submitted that it was reasonable in all of the circumstances to grant the order for eviction.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 29 June 2020.
6. Rent is payable by the Respondents at the rate of £550 per month, in advance.
7. The Applicant's representative served the Notice to Leave on the Respondents by email on 18 January 2022.
8. As at the date of the Notice served, the Respondents were in arrears of rent for more than 3 consecutive months.
9. As at the date of this case management discussion, the Respondents were in arrears of rent for more than 3 consecutive months.

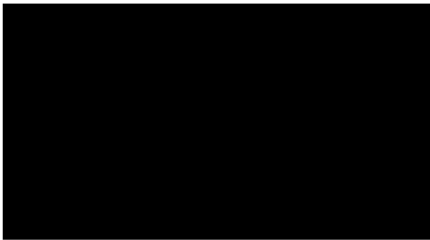
### **Reason for Decision**

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondents failed to submit written representations and failed to participate in the case management discussion. The Respondents received the notice to leave 1 year ago. The information provided was that the rent arrears have increased to over £7,000. There are significant arrears of rent and the Respondents have made

no effort to agree a repayment arrangement. The Respondents have not made any payments towards rent since June 2022. There was no material before the Tribunal to indicate that the Respondents dispute the level of rent arrears. The Tribunal was satisfied that it was reasonable to grant the order evicting the Respondents from the property.

### **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**

**26 January 2023**

**Date**