



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private (Tenancies) Housing (Scotland) Act 2016 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/23/3580**

**Re: Property at 37 Errochty Grove, Perth, PH1 2SW (“the Property”)**

**Parties:**

**Mrs Louise Lambert, Mr John Lambert, 14 Burnbank, Bridge of Earn, PH2 9BW; 14 burnbank, Bridge of Earn, PH2 9BW (“the Applicant”)**

**Mr John Moore, 37 Errochty Grove, Perth, PH1 2SW (“the Respondent”)**

**Tribunal Members:**

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

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

**Background**

[2] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the notice to leave relied on with rent statements and a copy of the relevant tenancy agreement. Emails exchanged between the parties were also produced.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 13 February 2024. The Applicant was represented by Mr Hall of Premier Lets. The Respondent was personally present.

[4] Neither party had any preliminary matters to raise. The Applicant still wished to proceed with the Application and confirmed that the rent arrears were now in the sum of £9,550.00. The Respondent confirmed that this figure was accurate and had no proposals for repayment or for further payments going forward. He accepted that there was no immediate prospect of him being able to pay the contractual monthly rent. He explained that he lived alone and had no outstanding benefit claims and had previously sought assistance from welfare rights. The Respondent confirmed that he did not intend to defend the Application.

[5] Having heard from parties, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicants let the Property to the Respondent by virtue of a Private Residential Tenancy.*
- II. *The Respondent has fallen into rent arrears and last paid any rent in March 2023;*
- III. *The Respondent's rent arrears are currently £9,550.00;*
- IV. *The Respondent has no outstanding claims for benefits or any other pending sources of financial support.*
- V. *The Respondent lives alone in the Property which has not been specially adapted for his purposes.*
- VI. *There is no prospect of the Respondent being able to pay the rent any time soon.*
- VII. *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act;*
- VIII. *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- IX. *The Applicants have complied with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2022.*

### **Reasons for Decision**

[6] Having made the above findings in fact, the Tribunal granted the Application and determined that it was also reasonable to make an Eviction Order. The Rent arrears were significant and were increasing and it appeared entirely reasonable to bring about the end of the tenancy, which had clearly failed.

## 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.



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Legal Member/Chair

13 February 2024

Date