



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/22/1341

Re: Property at Flat 6, 2 Ropemaker Street, Edinburgh, EH6 7AN (“the Property”)

Parties:

Peleus Residential Property Investment LP, 26 Charlotte Square, Edinburgh, EH2 4ET (“the Applicant”)

Mr Michael David Ferrini, Flat 6, 2 Ropemaker Street, Edinburgh, EH6 7AN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)

Decision in the absence of the Respondent

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 Respondent from the property
2. By decision dated 30 May 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 30 May 2022. The Tribunal intimated the application to the parties by letter of 27 June 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 Respondent was invited to make written representations by 18 July 2022. No written representations were received by the Tribunal.

The case management discussion

4. The Applicant was represented by Miss Wooley. The case management discussion took place by conference call and proceeded in the absence of the Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPS/CV/22/1342. The Applicant's representative explained that there has been very little contact with the Respondent throughout the period of the tenancy. Following service of the Notice to Leave, the Respondent made two payments of rent but has not made any contact with the Applicant's representative. The Respondent is believed to live alone in the property and is believed to be in employment. The Respondent has been in arrears of rent for many months and has not made any arrangement to pay the arrears of rent. As at 1 July 2022, the rent arrears due by the Respondent have increased to £14,300. 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 1 April 2021.
6. The Applicant's representative served the Notice to Leave on the Respondent by email on 12 October 2021.
7. As at the date of the Notice served, the Respondent was in arrears of rent for more than 3 consecutive months.
8. As at the date of this case management discussion, the Respondent was in arrears of rent for more than 3 consecutive months.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent failed to submit written representations and failed to participate in the case management discussion. The Respondent received the notice to leave almost 10 months ago. The updated rent statement lodged demonstrated that there are significant arrears of rent. There was no material before the Tribunal to indicate that the Respondent disputed the level of rent arrears. The Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent 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.

Nicola Irvine

Legal Member/Chair

8 August 2022

Date