



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/23/1906

Re: Property at 12 Duff Street, Keith, AB55 5EA (“the Property”)

Parties:

Mr Duncan George, Mrs Caroline George, 2 Fife Avenue, Keith, AB55 5FY (“the Applicant”)

Mr Michael White, 12 Duff Street, Keith, AB55 5EA (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

STATEMENT OF REASONS

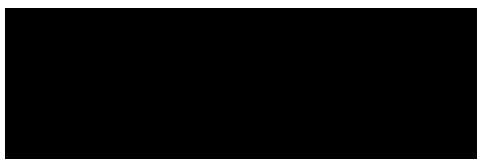
1. This Application called for its Case Management Discussion by teleconference on 10 October 2023. The Applicants were represented by Mr Duffill, solicitor. The Respondent was neither present nor represented.
2. In this Application the Applicants seek an eviction order. They rely on ground 12A for eviction, which is that the Respondent is in rent arrears in a sum equal to or greater than six months’ rent. They say that the rent payable is £380 per calendar month, and that the Respondent was in £4,060 of arrears when the Application was raised. They claim that the arrears have increased since the Application was raised. The Applicants’ position is that ground 12A is established, and that it is reasonable to grant an eviction order.
3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at

a Case Management Discussion that it can do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making any Decision. That includes the need to avoid unnecessary delay.

4. The Respondent has received service of the Application and notification of the CMD. He has chosen not to lodge written representations or to appear to dispute the allegations made against him. In all of the circumstances, the Tribunal is satisfied that the allegations in the Application are not disputed by the Respondent. It follows that the Tribunal is satisfied that the Respondent is in arrears of rent of a sum in excess of £4,060, which is in excess of 6 months' rent. Accordingly, the requirements of ground 12A are met.
5. The final consideration for the Tribunal is whether it is reasonable to grant the eviction order. In that respect, Mr Duffill confirmed that the Respondent lived at the Property alone. He was unaware of the Respondent's entitlement to housing benefit. The Property has not been adapted for the Respondent's needs. Attempts to engage with the Respondent to address his rent arrears had gone unanswered. The Applicants have no mortgage financing for the Property, but continued to accrue costs associated with ensuring that the Property met the landlord's repairing standard. As such, they were incurring expenditure whilst the rent continued to not be paid.
6. In all of the circumstances, the Tribunal was satisfied that it was reasonable to grant an eviction order. The Tribunal made the eviction order.
7. For the purposes of section 51(4) of the Private Housing (Tenancies) (Scotland) Act 2016, the Private Residential Tenancy will terminate on the earlier of (a) the day following the end of a period of 6 months beginning with the day on which this order was granted as specified above, or (b) the expiry or suspension of Paragraph 1 of Schedule 2 of the Cost of Living (Tenant Protection) (Scotland) Act 2022.

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

10 October 2023

Date

