



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/23/2250

Re: Property at 53C Longrow, Campbeltown, Argyll, PA28 6ER (“the Property”)

Parties:

Real Estate Wealth Development Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3 8BH (“the Applicant”)

Mr Andrew Allen, 53C Longrow, Campbeltown, Argyll, PA28 6ER (“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 the Application should be refused as unnecessary.

STATEMENT OF REASONS

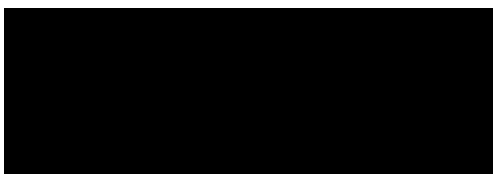
1. This Application called for its Case Management Discussion by teleconference call on 10 October 2023 together with the related Application for a payment order (CV/23/2251). The Applicant was represented by Mr Richmond, solicitor. The Respondent was neither present nor represented.
2. In this Application the Applicant seeks an eviction order. The Applicant founds upon Ground 12A for eviction, being that the Respondent is in significant rent arrears. Reliance was placed on a Notice to Leave founding upon that ground. The arrears allegedly due by the Respondent at the date of raising the application were £3,720.21, which is over nine months’ of arrears. Mr Richmond invited the Tribunal to find that it was reasonable to grant the eviction order.

3. However, Mr Richmond also confirmed that the Respondent had handed back the keys to the Property to the Applicant's letting agent. There were conflicting beliefs between the letting agent and the Applicant regarding the Respondent's current whereabouts, but there was at least consensus that the Respondent was not living at the Property. The Tribunal was told that a Property inspection had been carried out following the Respondent handing back the keys, and the Property was found to be empty. The reason given for requiring an eviction order was to effectively confirm that the PRT was at an end, and remove the risk of the Respondent alleging wrongful termination in the future.

4. The Respondent did not appear to dispute the contents of the Application. The Tribunal is therefore satisfied that the Respondent is in substantial rent arrears. However, the Applicant has given Notice to Leave to the Respondent, and the Respondent has ceased to occupy the let property. That being so, the Applicant does not require an eviction order. The PRT has ended. The Applicant has already recovered possession. It follows that it is not appropriate to grant an eviction order in this case. The Tribunal refused the eviction order.

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