



**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/23/2551**

**Re: Property at 6 Back Row, Blairgowrie and Rattray, PH10 7DT (“the Property”)**

**Parties:**

**Mr Andrew Gray, Mrs Lorraine Gray, Ardgour, New Road, Blairgowrie and Rattray, PH10 7DJ; Ardgour, New Road, Blairgowrie and Rattray, PH10 7DJ (“the Applicants”)**

**Mr Scott MacGregor, 6 Back Row, Blairgowrie and Rattray, PH10 7DT (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Elizabeth Williams (Ordinary Member)**

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

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

**Background**

1. The Applicants submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 18 October 2023 informing both parties that a CMD had been assigned for 21 November 2023 at 10am, which was to take place by conference call. 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 8 November 2023. No written representations were received by the Tribunal.

### **The case management discussion**

4. The CMD took place by conference call. The Applicants joined the conference call but the Respondent did not and the CMD proceeded in his absence. The Applicants explained that the property is the only rental property that they own and they no longer wish to be landlords. The Applicants intend to sell the property. Separately, the Respondent has not paid full rent since November 2022 and has not paid any rent since February 2023. As a result, rent arrears of £4,780 have accrued. The Applicants have attempted to contact the Respondent, but he has failed to engage with them. The Respondent is in full time employment and does not have any dependents.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 1 November 2019.
6. The Applicants served Notice to Leave on the Respondent by email on 24 March 2023.
7. The Applicants intend to market the let property for sale.
8. The Respondent has been in rent arrears for over 3 consecutive months.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to submit written representations and failed to participate in the CMD. The information before the Tribunal was that the Respondent has failed to engage with them and has incurred rent arrears which equates to more than 10 months' rent. The Tribunal was satisfied that grounds 1 and 12 have been established and that it was reasonable to grant the order sought.

### **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**

**21 November 2023**

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**Date**