



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/23/2027

Re: Property at 100 Eastern Avenue, Largs, KA30 9EQ (“the Property”)

Parties:

Mr Simon Hodge, Mrs Moira Hodge, 8A Bute Terrace, Millport, Isle of Cumbrae, KA28 0BD (“the Applicants”)

Mr Stephen Marquis, Ms Megan Wilson, 100 Eastern Avenue, Largs, KA30 9EQ (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondents)

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 Respondents 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 19 October 2023 informing both parties that a CMD had been assigned for 28 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 Respondents were invited to

make written representations by 9 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 Respondents did not and the CMD proceeded in their absence. The Applicants explained that the Respondents have not paid rent since January 2023. As a result, rent arrears of £3,850 have accrued. The Applicants have attempted to contact the Respondents, but they have failed to engage with them. The Second Respondent is believed to have moved to another property. The Respondents do not have any dependents.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 6 November 2020.
6. The Applicants served Notice to Leave on the Respondents by email on 12 May 2023.
7. The Respondents have been in rent arrears for over 3 consecutive months.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents failed to submit written representations and failed to participate in the CMD. The information before the Tribunal was that the Respondents have failed to engage with them and have incurred rent arrears which equate to more than 9 months' rent. The Tribunal was satisfied that ground 12 has 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.

N. Irvine

Legal Member/Chair

28 November 2023

Date