



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/19/0498

Re: Property at 17 Woodruff Gait, Dunfermline, Fife, KY12 0NL (“the Property”)

Parties:

Mr Chris Hudd, Mrs Helen Hudd, 7 Bryanston Drive, Dollar, FK14 7EF (“the Applicants”)

Mr Mathew Ollivent, Ms Jade Fitzwater, 17 Woodruff Gait, Dunfermline, Fife, KY12 0NL; 17 Woodruff Gait, Dunfermline, Fife, KY12 0NL (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

This matter called for a Case Management Discussion at 10am on 9 April 2019 in Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy, KY1 1XT.

The Applicants were represented by Ms Nichola McAtier of Miller Samuel Hill Brown. There was no appearance by or on behalf of the Respondent. The Application had been validly served on the Respondents providing them with the requisite period of notice.

The Applicant sought an Eviction Order on the basis of Grounds 1 and 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

The Tribunal noted a Notice to Leave had been validly served on the Respondents providing them with the requisite period of notice. Ms McAtier produced an updated rent statement showing that no further rent payments

had been received by the Respondents since the Application was made and that the sum of £5,090.00.00 was now due.

It was apparent that the Respondents had been in rent arrears for three or more consecutive months and that at today's date, the Respondents had rent arrears of a sum in excess of one month's rent. There was nothing to suggest that any delay in the receipt of benefits was relevant in considering whether an Eviction Order should be granted. The Tribunal was satisfied that the Eviction Order was necessary. The Tribunal considered that Grounds 12 of the Schedule was therefore met and accordingly granted the Application for an Eviction Order. In light of this the Tribunal did not consider it necessary to consider whether Grounds 1 of the Schedule was established.

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.

Mr Andrew McLaughlin

Legal member of the tribunal

9/4/19

Date