



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/19/2591

Re: Property at 3F3, 21 Torphichen Place, Edinburgh, EH3 8DY (“the Property”)

Parties:

Mr David Pollock, 14 Craiglockhart View, Edinburgh, EH14 1BX (“the Applicant”)

Mr Grant Tickle, 3F3, 21 Torphichen Place, Edinburgh, EH3 8DY (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the order to recover possession of the property.

Background

The Applicant submitted an application seeking an order to evict the Respondent from the property at 3F3, 21 Torphichen Place, Edinburgh. The Tribunal issued a letter to the parties dated 12th September 2019 advising them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the hearing 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 3rd October 2019. No written representations were received from the Respondent.

The Case Management Discussion

The Applicant was represented by his solicitor, Ms Jacqueline Ridley. The case management discussion proceeded in the absence of the Respondent.

The Tribunal noted that there were no written representations made by the Respondent and the Tribunal was therefore unaware of the Respondent's position. The Applicant's solicitor advised that there has been no contact from the Respondent since shortly before the expiry of the notice to leave; the Respondent sent a text message to the Applicant indicating that he needed some time to find another property.

The Applicant's solicitor advised that the order for eviction was sought on the basis of ground 12 of schedule 3 of the 2016 Act.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 6th March 2018.
2. The rent payable was £650 per month, payable in advance.
3. The Applicant served Notice to Leave by sheriff officer on 8th July 2019.
4. No rent has been paid by the Respondent this year, with the exception of April. The Respondent is therefore in arrears of rent for a sum which equates to more than 3 consecutive months of arrears.
5. The Applicant is entitled to the Order sought for repossession.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Respondent was given an opportunity to provide written representations to the Tribunal; he failed to do so and he failed to attend the case management discussion. The Applicant's solicitor invited the Tribunal to make the Order sought. The Applicant relied upon Ground 12 of Schedule 3 of the 2016 Act. The Notice to Leave had been properly served. The Tribunal was satisfied that Ground 12 had been established. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

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.

Nicola Irvine

Legal Member/Chair

22nd October 2019

Date