



**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/19/3270**

**Re: Property at 108 Braeside Park, Mid Calder, West Lothian, EH53 0TA (“the Property”)**

**Parties:**

**Mr Richard Dufton, 57 Braeside Park, Mid Calder, West Lothian, EH53 0SL (“the Applicant”)**

**Ms Sonya McDonald, 108 Braeside Park, Mid Calder, West Lothian, EH53 0TA (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Possession be granted in respect of the Property at 108 Braeside Park, Mid Calder, West Lothian, EH53 0TA.**

**There are 2 conjoined actions between the parties. One is for Eviction and the other for a Payment Order relating to unpaid rent.**

**Facts**

- 1. The parties entered into a Private Residential Tenancy in respect of the Property at 108 Braeside Park, Mid Calder, West Lothian, EH53 0TA. This commenced on 1 August 2018. The Respondent was afforded an initial brief rent free period of occupation between 24 July 2018 and 1 August 2018. A deposit of £1,000 was paid and monthly rent was fixed at £850 per month.**
- 2. The Respondent has fallen into significant arrears with the rent payments due under the lease agreement. As at the date of the applications being made to the Tribunal she had failed to make any payment for the months**

of December 2018, and April, June, July, August and September 2019. This is six months.

3. As at the time the application was commenced the rent due and outstanding was £5,100. The deposit of £1,000 reduces the amount due as at that time to £4,100.
4. The Applicant intends to sell the property on the open market as soon as the Respondent leaves the property.

## Reasons

The Respondent was served with intimation of the hearing held on 17 January 2020 by Sheriff Officer on 17 December 2019. She did not attend the hearing nor lodge any written representations by the due date of 6 January 2020.

The Applicant has established that the Respondent was in arrears to the extent of £5,100 at the time of the application being made. The Tribunal relied upon the Applicant's own oral evidence and the bank statements produced which are found to be credible and reliable. The Respondent is in breach of her obligations to pay rent under the lease. This is a ground for eviction under ground 12 of schedule 3 to the 2016 Act.

The Applicant is entitled to recover the sums of rent outstanding as at the time of the applications being made taking into account the deposit paid and which will be retained. This is a total of £4,100. No recent amendment application was made to increase the sum sought.

The Applicant intends to sell the property and therefore has an additional ground for eviction being under ground 1 of schedule 3 to the 2016 Act.

The Applicant is entitled to vacant possession of the Property.

## 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.

R. Mill

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Legal Member/Chair

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Date

17 January 2020