



**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/19/3408**

**Re: Property at 289 Victoria Path, Glenrothes, KY7 6SN (“the Property”)**

**Parties:**

**Mr Valentin Nanev Getov, 29 Queen Margaret Drive, Glenrothes, Fife, KY7 4HR (“the Applicant”)**

**Ms Sigourney Clark, 289 Victoria Path, Glenrothes, KY7 6SN (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property.**

**Background**

1. By application dated 22 October 2019 the Applicant’s representatives Rollos, Solicitors, Glenrothes applied to the Tribunal for an order for the eviction of the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”). The Applicant’s representatives submitted a copy of the tenancy agreement, Notice to Leave with proof of posting, Rent book and Section 11 Notice in support of the Application.
2. By Notice of Acceptance dated 6 November 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. A Case Management discussion was held on 20 December 2019 and was adjourned to a further Case Management Discussion for the Applicant's representative to provide confirmation of the rent arrears.

#### The Case Management Discussion

4. A Case Management Discussion was held at Fife Voluntary Action, Kirkcaldy on 12 February 2020. The Applicant did not attend but was represented by Ms Amanda Sneddon of the Applicant's representatives. The Respondent did not attend and was not represented. The Tribunal on being satisfied that the Respondent had been given intimation of the Case Management Discussion by post determined to proceed in her absence.
5. Ms Sneddon confirmed the parties had entered into a Private Residential Tenancy that commenced on 22 February 2019 at a rent of £480.00 per calendar month. The Respondent had only paid the deposit and the first month's rent.
6. Ms Sneddon confirmed that a Notice to Leave had been sent by recorded delivery post to the Respondent on 20 August 2019. The Track and trace had confirmed it had been delivered and signed for on 21 August 2019. Ms Sneddon confirmed that although the Notice to Leave made reference to both Grounds 11 and 12 of Schedule 3 of the 2016 Act she was only seeking eviction under Ground 12.
7. Ms Sneddon confirmed that a Section 11 Notice had been sent to Fife Council by post on 22 October 2019.
8. Ms Sneddon confirmed she had spoken to the Applicant on the morning of the Case Management Discussion and he had confirmed that the Respondent had not made any rent payments and there was now 11 months rent outstanding in the sum of £5280.00.
9. Ms Sneddon asked the Tribunal to grant the order sought.

#### Findings in Fact

10. The parties entered into a Private Residential tenancy Agreement that commenced on 22 February 2019 at a rent of £480.00 per calendar month.
11. The Respondent has not paid any rent since moving into the property and has accrued 11 months' rent arrears amounting to £5280.00.
12. A Notice to Leave was sent to the Respondent by Recorded Delivery post on 20 August 2019.
13. The Applicant's representatives sent a Section 11 Notice to Fife Council on 22 October 2019.

## Reasons for Decision

14. The tribunal was satisfied from the documents produced that the parties entered into a Private Residential Tenancy Agreement that commenced on 22 February 2019 at a rent of £480.00 per calendar month.
15. The Tribunal was satisfied from the documentary evidence of the rent book and the oral representations of Ms Sneddon that at the date of service of the Notice to Leave the Respondent had been in arrears of rent for three consecutive months and at the date of the Case Management discussion there were arrears of rent amounting to £5280.00.
16. The Tribunal was satisfied that intimation of the application had been given to Fife Council in accordance with the requirements of the Homelessness etc (Scotland) Act 2003.
17. As a valid Notice to Leave had been served on the Respondent and as the arrears as at the date of the Case Management Discussion amounted to more than one month's rent the Tribunal was satisfied that the terms of Ground 12 of Schedule 3 of the 2016 Act had been met and that it was a mandatory ground for eviction.

## Decision

The Tribunal having considered the documents submitted and the oral representations of the Applicant's representative determined that the Applicant was entitled to an order for the eviction of the Respondent from 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.**

**Graham Harding  
Legal Member/Chair**

**12 February 2020  
Date**