

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/1789

Re: Property at 1 Hutchison Cottages, Edinburgh, EH14 1PX (“the Property”)

Parties:

Mr Basharat Pervaze, 101 Cook Street, Glasgow, G5 8JQ (“the Applicant”)

Mr John Anderson, 1 Hutchison Cottages, Edinburgh, EH14 1PX (“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 the Applicant is granted a payment Order against the Respondent in the sum of THREE THOUSAND TWO HUNDRED AND FIFTY FIVE POUNDS (£3,255)

Hearing

The Landlord was represented by Mr Scott Runciman of Messrs Gilson Gray LLP. The tenant did not attend nor was he represented. The date was intimated to him by way of service by advertisement on the Chamber website between 24 July 2019 and 3 September 2019.

Findings in Fact and Reasons

- 1. The parties entered into a Private Residential Tenancy in respect of the property at 1 Hutchison Cottages, Edinburgh commencing on 11 October 2018.**
- 2. The tenant stopped paying rent almost immediately and no rent has been paid since October 2018.**

3. By 30 April 2019 £3,255 of rent arrears had accrued. The tenant had made no proposals for payment. A Notice to leave was served then.
4. More than 3 months arrears of rent are lawfully due by the tenant in terms of the contractual lease in operation. This is a ground for eviction.
5. The Landlord is entitled to recover possession of the property and recover the rent arrears due and specified at the time of the action commencing.

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

Legal Member/Chair

3 September 2019

Date