



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 52 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/22/2837

Re: Property at 37 Strathyre Place, Stoneyburn, Bathgate, West Lothian, EH47 8BE (“the Property”)

Parties:

Miss Ann Gardiner, 23 Harburn Drive, West Calder, West Lothian, EH55 8AL (“the Applicant”)

Miss Candice Farrell, 37 Strathyre Place, Stoneyburn, Bathgate, West Lothian, EH47 8BE (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of her private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 8 December 2022, by teleconference. The Applicant was represented on the call by Ms Mathew of Bannatyne Kirkwood France & Co, solicitors. The Respondent was not represented and did not call in to the conference. By email dated 5 November 2022, the Respondent indicated that she did not oppose the application and did not intend to attend the CMD. The Tribunal was therefore happy to proceed in her absence.

- Findings in Fact

1. The Respondent rents the Property from the Applicant in terms of a private residential tenancy with a start date of 17 December 2020.
2. In terms of that agreement, rent of £640 is payable on the 17th day of each month.
3. On 22 March 2021, the Respondent paid only £500 against the payment due on the 17th of that month.
4. Since then, the Respondent has continually been in arrears of rent.
5. On 7 April, 29 June, 29 October 2021, 1 March and 6 April 2022, the Applicant's agents sent letters to the Respondent fulfilling the pre-action requirements.
6. On 20 May 2022, a notice to leave was sent to the Respondent, indicating that an eviction order would be sought on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act'), no sooner than 20 June 2022.
7. This application was made on 12 August 2022.
8. On the same day, a notice in terms of s.11 of the Homelessness etc. (Scotland) Act 2003 was served on the local authority.

- Reasons for Decision

9. The Applicant has demonstrated that the ground relied on exists and the Respondent has indicated that she does not resist an order being granted. It is therefore reasonable that the Tribunal make an order for eviction.

- Decision

Eviction order granted.

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.



Legal Member/Chair

**08/12/2022
Date**