



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/22/4395

Re: Property at 40 Old Road, Huntly, AB54 8JH (“the Property”)

Parties:

Ms Deenna Guillot, 2 Yule Square, Huntly, Aberdeenshire, AB54 8HZ (“the Applicant”)

Mr Craig Black, 40 Old Road, Huntly, AB54 8JH (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 7th December 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to ground 12 of the Private Housing (Tenancies) Act 2016.
2. On 6th February 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 10th March 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 27th February 2023.

3. On 7th February 2023, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 7th February 2023.

The Case Management Discussion

4. A CMD was held on 10th March 2023 at 2pm by teleconferencing. The Applicant was represented by Mr Alan Duffill, Solicitor, Stewart & Watson. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Tribunal did not make representations in advance of the CMD.
5. Mr Duffill told the Tribunal that he was aware that the Cost of Living (Protection for Tenants) (Scotland) Act 2022 applied to this case. He is seeking an order for eviction and accepts that any order would be subject to the extended period as per the Act.
6. Mr Duffill told the Tribunal that there has been no rent paid since the application was lodged. The arrears now stand at £2660. The Respondent is a single person. Mr Duffill understands that he is employed as a joiner who has been working for his father. He has also been self employed at times.
7. Mr Duffill believes that the Respondent is still in the Property. A welfare check was undertaken in or around mid to the end of November 2022 with the police. All the furniture had been removed but a sleeping bag was there in a used state. The Applicant's partner drove past the Property recently and the light was on. Mr Duffill does not know of any issues of reasonableness that would prevent an order from being granted.
8. Mr Duffill told the Tribunal that the Applicant only owns one property other than her own residential one.

Findings and reason for decision

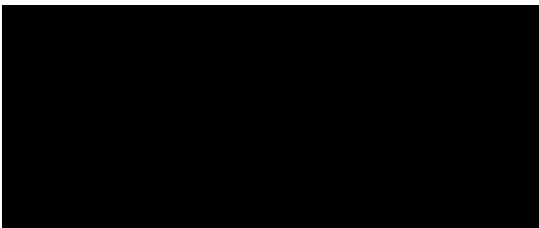
9. A Private Rented Tenancy Agreement commenced 21st February 2022.
10. The Respondent persistently failed to pay his rent charge of £380 per 4 weeks.
11. Arrears accrued to more than one months rent payment at the date of application and was more than three months rent payments at the date of the hearing.
12. The arrears at the point of the application were £1900 they have since raised to £2660.
13. There are no issues of reasonableness preventing an order for eviction being granted.

Decision

14. The Tribunal found that ground 12 has been established and granted an order for eviction in favour of the Applicant.

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.



10th March 2023

Legal Member/Chair

Date