



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/23/0808

Re: Property at 40 Gellyburn Road, Perth, PH1 3LE (“the Property”)

Parties:

Mr Ronald Bruce Edwards, Mrs Moira Agnes Edwards, 1 Mapledene Road, Scone, Perth, PH2 6NX; 2 Mapledene Road, Scone, Perth, PH2 6NX (“the Applicants”)

Mr Scott Shepherd, Mrs Kerry Shepherd, 40 Gellyburn Road, Perth, PH1 3LE (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicants submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order to evict the Respondents from the property.
2. By decision dated 9 May 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal intimated the application to the parties by letter of 22 June 2023 and advised them of the date, time and conference call details of today’s CMD. In that letter, the parties were also told that they required to take part in the

discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 13 July 2023. No written representations were received from the Respondents.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Mr Paul McGregor, solicitor. The First Respondent joined the conference call and represented himself and the Second Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/23/0818. The Applicants' representative explained that the rent arrears have increased to £10,080. The Applicants relied upon grounds 1, 12 and 12A of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. It was submitted that it was reasonable in all of the circumstances to grant an order for eviction.
5. The application is not opposed by the Respondents. The First Respondent explained that he has been in touch with the local authority, although they have not yet identified alternative accommodation for the Respondents and their 2 children, who are of primary school age.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 1 November 2019.
7. The Applicants served the Notice to Leave on the Respondents by recorded delivery on 2 December 2022.
8. As at the date of the Notice served, and as at the date of this CMD, the Respondents had incurred substantial rent arrears which equated to more than 6 months' rent arrears.
9. The Applicants intend to sell the property.

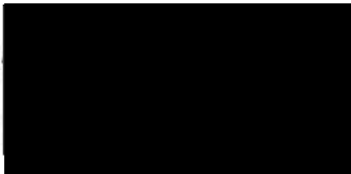
Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents did not oppose the application for eviction. The rent arrears are substantial and have been outstanding for a considerable period of time. The Applicants now intend to sell the property. The Tribunal was satisfied that the grounds for eviction were established (grounds 1, 12 and 12A) and that it was reasonable to grant the order evicting the Respondents from the property. The Tribunal took account of the Respondents' circumstances and the family composition. Given that no

alternative accommodation has yet been identified for the Respondents and their children, the Tribunal suspended the extract of the order until 15 October 2023.

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.



3 August 2023

Date