



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/23/1425

Re: Property at 36 Goldie Crescent, Dumfries, DG2 0AJ (“the Property”)

Parties:

Mr Jonathan Peter Hamlet, 1 Caulstran Avenue, Dumfries, DG2 9FQ (“the Applicant”)

Ms Yasmin Craig, 36 Goldie Crescent, Dumfries, DG2 0AJ (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

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 a private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 25 August 2023. By teleconference. The Applicant was represented on the call by Ms Dalglish, of Walker & Sharpe, solicitors. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue the Respondent may have been experiencing, but there remained no contact from her.

Notice of the application and CMD was served on the Respondent by sheriff officers on 2 August 2023. The Tribunal was satisfied that the Respondent was aware of the CMD, but had chosen not to attend; and that it was therefore fair to proceed in her absence.

- Findings in Fact

The relevant facts of the case were not opposed, as follows:

1. The Respondent lets the Property from the Applicant in terms of a private residential tenancy, with a start date of 26 June 2020.
2. In terms of the tenancy agreement, rent of £575 is due on the first day of each month.
3. The Respondent did not pay the rent due in November and December 2022, January or February 2023.
4. On 2 February 2023, the Applicant served a notice to leave on the Respondent by sheriff officers, indicating that he intended to rely on ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application for an eviction order to follow.
5. On the same date, the Applicant sent a letter to the Respondent complying with the requirements of the compulsory pre-action protocol prescribed by the Scottish Ministers.
6. The Respondent has not paid any rent since the service of the notice to leave.
7. As at the date of the CMD, the Respondent is in arrears of rent of £5,750.

- Reasons for Decision

8. Ground 12 has been established. The Respondent has been in arrears of rent for more than three consecutive months. It is reasonable for an order for eviction to be granted on that basis. The arrears are at a high level and, despite the Applicant completing the pre-action protocol, the Respondent has not been able to make any effort to address them.

- 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.

Nairn Young

25 August 2023

Legal Member/Chair

Date