



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/1528

Re: Property at 186C Montrose Street, Brechin, Angus, DD9 7DZ (“the Property”)

Parties:

Kratos Investment Ltd, 62 New Wynd, Montrose, Angus, DD10 8RF (“the Applicant”)

Mr Michal Vacek, 186C Montrose Street, Brechin, Angus, DD9 7DZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[1] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) at 2pm on 28 September 2023. The Applicant was represented by Mr Lavery of MML Law. The Respondent was neither present nor represented on the call. The Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the Respondent’s absence.

The Tribunal discussed the reasonableness or otherwise of the Application with Mr Lawson. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant let the Property to the Respondent by virtue of a private Residential Tenancy;*
- II. *The Respondent fell into rent arrears;*
- III. *The Applicant competently served a Notice to Leave under ground 12 of Schedule 3 of the Act on the Respondent;*
- IV. *The Respondent has complied with s11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- V. *The Respondent's current arrears are £4,999.89;*
- VI. *Ground 12 of Schedule 3 remains established;*
- VII. *It is reasonable that an Eviction Order is granted.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction order.

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

28 September 2023

Date

