



**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/23/1708**

**Re: Property at Top Floor R/R, 32 Clair Street, Aberdeen, AB24 5AJ (“the Property”)**

**Parties:**

**Dr Sanjay Sabharwal, Mrs Meenu Sabharwal, 109 Hilton Road, Aberdeen, AB24 4HX (“the Applicant”)**

**Miss Demi Melaugh, Top Floor R/R, 32 Clair Street, Aberdeen, AB24 5AJ (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Angus Lamont (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 26<sup>th</sup> May 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 grounds 12 and 12A of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 30<sup>th</sup> August 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 10<sup>th</sup> October 2023 at 2pm by

teleconferencing. The letter also requested all written representations be submitted by 20<sup>th</sup> September 2023.

3. On 31<sup>st</sup> August 2023, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent personally. This was evidenced by Certificate of Intimation dated 31<sup>st</sup> August 2023.
4. On 21<sup>st</sup> September 2023, the Applicant's representative emailed the Housing and Property Chamber including a further paper apart for the application. This email attached a rent statement for the period 21<sup>st</sup> July 2022 to 3<sup>rd</sup> September 2023 with arrears for £5770.95.

### The Case Management Discussion

5. A CMD was held on 10<sup>th</sup> October 2023 at 11am by teleconferencing. The Applicant was represented by Mr John McKeown, Trainee Solicitor, Jackson Boyd Solicitors. The Respondent was not present. There had been a clash in the scheduling of this case which meant that two cases were listed for the same time. The Tribunal adjourned this case to 11am to allow the case to be heard and for the Respondent to attend. During that time the call was left open to allow her to attend the CMD. The Respondent did not attend during that time. The Tribunal was content that at 11am she was not going to attend. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
6. Mr McKeown said that the last contact from the Respondent was to the Applicant by Whatsapp message. She had sent him a message on 5<sup>th</sup> September 2023 to say that she had almost all of the outstanding amount and asked if she paid it over if she could remain in the Property. The Applicant replied that the matter had already gone to his solicitor to deal with. There has been no further communication from the Respondent.
7. Mr McKeown confirmed that there have been no payments made for the entirety of the tenancy. The Respondent had been a tenant in one of the Applicant's other properties but required to move due to a change in her circumstances. The Applicant was happy to rent out one of his other properties to her as she had been a good tenant and had always paid her rent. The Applicant owns three properties in total.
8. The Respondent had contacted after she received the PAR letter, which was sent to her on 26<sup>th</sup> January 2023, to say that she would pay the rent plus £100 per month when she received her benefits. It is believed that she is at college and receives at least some Universal Credit. Mr McKeown said that there has been no further information about the Respondent's entitlement to benefits. When the Respondent entered into the lease she was working.
9. The Tribunal was satisfied that the Respondent has not paid any monies towards her rent charge and that ground 12A was met.

### Findings and reason for decision

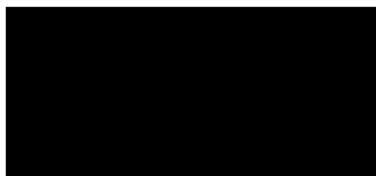
10. A Private Rented Tenancy Agreement commenced 21<sup>st</sup> July 2023.
11. The Respondent has persistently failed to pay her rent charge of £400 per month. The rent payments are due to be paid on 3<sup>rd</sup> day of each month.
12. Arrears accrued to more than one months rent payment at the date of application and was more than three months rent payments at the date of the hearing.
13. The outstanding arrears totalled £5770.95. This is a higher amount than was detailed in the application. It is over 6 months rent payments. The Respondent has not paid any rent since moving into the Property.
14. The Tribunal was satisfied that there were no grounds of reasonless that should prevent an order being granted.

### Decision

15. The Tribunal found that ground 12A has been established and granted an order for eviction.

### **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.**



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**Legal Member/Chair**

**11<sup>th</sup> October 2023**

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**Date**