



**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/22/2030**

**Re: Property at 115 Hill Street, Hamilton, ML3 9LJ (“the Property”)**

**Parties:**

**Mr Shakil Ahmed, Mr Naeem Ahmed, 23 Townhead Street, Hamilton, ML3 7BQ; 23 Townhead Street, Hamilton, ML3 7BQ (“the Applicant”)**

**Mr Ionut-Cristian Caldararu, Mrs Kayleigh McGuire, 115 Hill Street, Hamilton, ML3 9LJ; 115 Hill Street, Hamilton, ML3 9LJ (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

**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 Respondents, who occupy the Property in terms of a private residential tenancy agreement with the Applicants. It called for case management discussion (‘CMD’) at 10am on 6 March 2023, by teleconference. The second-named Applicant called in in person and spoke on behalf of the Applicants. The Respondents did not call in and were not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue they may have been experiencing, but there remained no contact from them.

The case previously called for a CMD on 29 November 2022, at which there was no appearance by either Respondent. Notice of this CMD was sent to the Respondents by recorded delivery on 24 January 2023. The Tribunal therefore considered that the Respondents had chosen not to oppose the application and that it was fair to proceed in their absence.

- Reasons for Decision

The application is unopposed and proceeds on the following basis:

1. The Respondents let the Property from the Applicants in terms of a private residential tenancy with a start date of 14 March 2019.
2. The Respondents have been in arrears of rent continuously since 14 March 2020.
3. On 31 March 2022, the Respondents sent a letter to the Applicants in compliance with the rent arrears pre-action protocol.
4. A notice to leave was served on the Respondents by personal service on 7 April 2022, and sent by email the same day, indicating that the Applicants would rely on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('Ground 12') in any application for eviction to follow.
5. A notice in terms of s.11 of the Homelessness etc. (Scotland) Act 2003 was served by the Respondents on the local authority on 27 June 2022.
6. As of the date of CMD, the Respondents are in arrears of rent to a total of £2,419.77.
7. The arrears are not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.

8. The arrears continue to rise steadily, as the Respondents are not in receipt of full housing benefit.
  9. Ground 12 is made out and, in particular, it is reasonable to grant an order for eviction on account of the above.
- 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**

**6 March 2023**

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**Legal Member/Chair**

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**Date**