



**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/22/3999

Re: Property at 29A Adamson Avenue, Kirkcaldy, KY2 5EH (“the Property”)

Parties:

PROP1000FOL Limited, 6 Redheughs Rigg, Edinburgh, EH12 9DQ (“the Applicant”)

**Miss Lyecia Townsley, Mr Steven Townsley, 29A Adamson Avenue, Kirkcaldy, KY2
5EH (“the Respondent”)**

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

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

Background

The Applicant seeks an Eviction Order on the basis of ground 12 of Schedule 3 of the Act in that it is said that the Respondents are in arrears of rent of a sum equal to at least one month’s rent and have been so in arrears for at least three months. The Application is accompanied by a copy of the tenancy agreement, the notices to leave relied on and proof of service, evidence of compliance with s11 of the Homelessness (etc) (Scotland) Act 2003 and evidence of compliance with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and rent statements. The Respondents had also submitted extensive written representations. All of these had been fully considered by the Tribunal in advance of the Case Management Discussion.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 13 March 2023. The Applicant was represented by their letting agent, Ms Barnes. Both Respondents were personally present. Neither party had any preliminary matters to raise.

The Respondents accepted that as of today they owed rent arrears in the sum of £5,544.19. They also accepted that they had been in arrears for a substantial period of time and had no intention of making any further rental payments. It appeared a payment plan had been previously entered into but this had broken down.

Having heard from parties and having considered all the documentary evidence before the Tribunal, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy whereby the Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy Agreement that commenced on 18 November 2019;*
- II. *The contractual monthly rent was the sum of £520.00;*
- III. *The parties attempted to enter into a repayment plan but this arrangement broke down;*
- IV. *The Applicant competently served Notices to Leave in terms of Ground 12 of Schedule 3 of the Act on both Respondents by email dated 6 September 2022. At that point the said ground was established as the Respondents owed rent arrears equal to at least one month's worth of rent and had been so in arrears for a period of at least three months. The notices confirmed that no Application would be submitted to the Tribunal before 7 October 2022. This Application was submitted to the Tribunal on 30 October 2022;*
- V. *Since receiving the notices to leave, the Respondents have failed to make any rental payments at all. No Payments have been made since August 2022. The Respondents now have rent arrears in the sum of £5,544.19. The said ground 12 remains established as at today's date.*
- VI. *The Applicant has complied with s11 of the Homelessness (etc) (Scotland) Act 2003 and also with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*

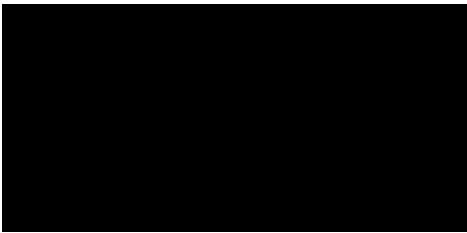
VII. *Having considered all the circumstances of the case, it is reasonable to make an Eviction Order.*

Decision

Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order. The Application engages the Cost of Living (Tenant Protection) (Scotland) Act 2023 and this will be reflected in the terms of the order made.

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

13 March 2023

Date