



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/19/3346

Re: Property at 52 Kingseat Avenue, Grangemouth, FK3 0AD (“the Property”)

Parties:

Mr Mark Vaughan, 27 Russell Street, Falkirk, FK2 7HS (“the Applicant”)

Miss Lorraine Stewart, UNKNOWN, UNKNOWN, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 14 July 2018 the Applicant let the Property to the Respondent,
2. The start date of the tenancy was 14 July 2018,
3. The rent was £360 per calendar month,
4. The Respondent vacated the Property during 2019, most likely during June or July 2019. The local authority had written to the Applicant, by letter dated 11 July 2019, advising that the Respondent no longer resided at the Property and seeking his confirmation of the end date of the tenancy. This letter referred to “Local Housing Allowance” and was presumably sent to enable the local authority to apportion that allowance between the Applicant and any new Landlord,
5. The Applicant had been receiving payment of housing allowance from the local authority. This, however, did not cover the full amount of rent due. There was a shortfall of £110.48 per month which was to be paid to the Applicant by

- i. By lease dated 14 July 2018 the Applicant let the Property to the Respondent,
- ii. The start date of the tenancy was 14 July 2018,
- iii. The rent was £360 per calendar month,
- iv. The Respondent vacated the Property during 2019, most likely during June or July 2019. The local authority had written to the Applicant, by letter dated 11 July 2019, advising that the Respondent no longer resided at the Property and seeking his confirmation of the end date of the tenancy.
- v. The Applicant had been receiving payment of housing allowance from the local authority. These payments stopped following receipt of the letter from the local authority,
- vi. The Applicant served a Notice to Leave on the Respondent on 5 August 2019. He did this by delivering it to her last known address. The Notice to Leave was dated 5 August 2019 and stated that an application for an eviction order would not be applied for before 3 September 2019,
- vii. The Notice to Leave indicated that an order for eviction would be sought on two separate grounds, firstly that the Respondent was no longer occupying the Property and, secondly, that there were rent arrears for three consecutive months,
- viii. The Applicant presented an application to the Tribunal, for an eviction order, on 18 October 2019,
- ix. A Case Management Discussion was assigned and the Tribunal instructed Sheriff Officers to intimate that to the Respondent. The Sheriff Officers reported that they attended at the Property on 15 November 2019. The Property was unoccupied. Enquiries with neighbours revealed no forwarding address.

REASONS FOR DECISION

16. It appeared to be beyond doubt that the Respondent had vacated the Property. The Applicant had complied with all legal requirements on him thereafter to formally terminate the tenancy. He served a Notice to Leave and thereafter raised these proceedings with the Tribunal. There was no reason for refusing an eviction order on the basis of Ground 10 of Schedule 3 to the 2016 Act,
17. In relation to rent arrears, the Tribunal had no verifiable information about this matter. In the circumstances, the Tribunal was not in a position to grant an eviction order in terms of Ground 12 of Schedule 3 to the 2016 Act.

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at 52 Kingseat Avenue, Grangemouth, FK3 0AD and to make the same void and redd that the Applicant or others in their name may enter thereon and peaceably possess and enjoy the same.

The order is not to be executed prior to 12 noon on 19 February 2020.

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.

Virgil Crawford

13 January 2020

Legal Member/Chair

Date