



**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/19/0207**

**Re: Property at 171 East Main Street, Armadale, West Lothian, EH48 2PA (“the  
Property”)**

**Parties:**

**Mr Philip Duncan, 19 Commerce Street, Montrose, Angus, DD10 8BN (“the  
Applicant”)**

**Mr Marc Alexander Baird, 171 East Main Street, Armadale, West Lothian, EH48  
2PA (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an Order for possession of the property be made on  
the grounds that**

- 1. more than one month’s rent is due and outstanding and the Respondent  
has been in arrears of rent for a continuous period of more than 3  
months.**
- 2. The Respondent has breached his tenancy agreement by failing to allow  
access for the purposes of the Applicant carrying out required checks  
including the required mandatory safety checks.**

**Background**

**This is an application which seeks the eviction of the Respondent tenant from  
the Applicant’s property.**

**The basis of the application is in respect of rent arrears and also as a  
consequence of the Respondent breaching other terms of the Private  
Residential Tenancy which commenced on 14 June 2018.**

**The application is conjoined with FTS/HPC/CV/19/0209 in which the Applicant seeks a payment Order for unpaid rent.**

**Hearing**

**The Applicant appeared personally and presented his own case.**

**The Respondent did not appear and was not represented. Intimation of the hearing had been made upon him.**

**Findings and Reasons**

**The rent due in terms of the lease is £650 per calendar month. The Respondent has failed to make timeous payments of rent throughout the duration of the tenancy. He was in arrears by July 2018 one month after the tenancy commenced.**

**A Notice to leave was served on the Respondent on 22 October 2018. The tenancy end date was 20 November 2018.**

**By the end date of the tenancy the Respondent had been in arrears of rent by more than one month and had been in arrears of rent for 3 continuous months. The amount outstanding was £936.71. This satisfies Ground 12 of schedule 3 of the 2016 Act.**

**The Respondent has failed to allow access to the Applicant and his agents to perform necessary maintenance checks including necessary landlord safety checks. This satisfies Ground 11 of schedule 3 of the Act.**

**The Respondent has failed to vacate the property following the tenancy being brought to an end. It is reasonable to grant an Order for Eviction and a Payment Order in the sum of rent outstanding as at the date the tenancy ended.**

**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.**

R.Mill

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**Legal Member/Chair**

8/3/19  
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**Date**