



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

Chamber Ref: FTS/HPC/EV/19/3292

Re: Property at 36 Deveron Terrace, Dundee, DD2 4AJ (“the Property”)

Parties:

Mr Michael Short, 2 Rattray Street, Dundee (“the Applicant”)

Mr Edward Paton, 36 Deveron Terrace, Dundee, DD2 4AJ (“the Respondent”)

Tribunal Members:

Mark Thorley (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 eviction be granted.

Background

The applicant applied under Rule 109 for an order for eviction. The application was accompanied by a copy of the Tenancy Agreement, a copy of the Notice to Leave executed on 21 August 2019 by Sheriff Officers, copies of Notices under Section 56(1) of the 2016 Act, rent account, letter from DWP, letter from Anika Jethwa.

The tenancy agreement is in fact set out as a short assured tenancy. However it is a private rented tenancy in terms of the 2016 Act as it meets the requirements of section 1 of that Act.

It was alleged that the tenant was in rent arrears of more for more than three consecutive months and that in addition the tenant had breached the terms of the Tenancy Agreement by causing annoyance in the neighbourhood.

Background

The applicant applied under Rule 109 for an order for eviction. The application was accompanied by a copy of the Tenancy Agreement, a copy of the Notice to Leave executed on 21 August 2019 by Sheriff Officers, copies of Notices under Section 56(1) of the 2016 Act, rent account, letter from DWP, letter from Anika Jethwa.

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Case Management Discussion

1. At the case management discussion ** appeared on behalf of the applicant. There was no appearance by or for the respondent.
2. There have been no written responses received in respect of the application.
3. It was confirmed that the last payment of rent made was on 10 September 2018 aside from a payment made by the Department of Work and Pensions on 30 August 2019 for the sum of £343.40.
4. Arrears outstanding amounted as at 30 August 2019 to the sum of £4,356.60.

Findings in Fact

1. That a Tenancy Agreement existed between the parties.
2. That the tenant as at 30 August 2019 was in arrears of rent in the sum of £4,356.60.
3. Rent was due to be paid at the rate of £400 per four weeks.
4. There were in excess of three months outstanding of rent at the time of the application and as at the time of the hearing.
5. The order for eviction was granted.

Reasons for decision

1. The respondent did not attend at the case management discussion nor had he provided the Tribunal with any written representation.
2. It was clear from the paperwork that there was a significant amount of rent arrears. Rent was due at the rate of £400 per four weeks. Arrears of £4,356.60 had accrued by 30 August 2019. That was over ten months of rent arrears. These rent arrears were in place as at 30 August 2019 and as at the current date. Accordingly Ground 12 was made out.

3. In these circumstances Ground 11 was not insisted upon.

Decision

That an order for eviction be 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.

Mark Thorley

Legal Member/Chair

18th March 2019

Date

*Insert or Delete as required