



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/24/4239

Re: Property at 4/39 220 Wallace Street, Glasgow, G5 8AJ (“the Property”)

Parties:

Mr Gordon Campbell, 40 Reynolds Drive, Stepps, Glasgow, G33 6ED (“the Applicant”)

Miss Ashleigh Dickson, 4/39, 220 Wallace Street, Glasgow, G5 8AJ (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that in the absence of the respondent determined that an order of eviction be granted.

Background

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) by application dated 27 November 2023. The application was accompanied by the following documentation:

- a) Section 11 Form to Council
- b) Notice to Leave
- c) Three emails to the respondent
- d) Full Rent Statement

2. The applicant was seeking eviction on the basis of Ground 12 namely that the respondent had been in continuous rent arrears for a period of over three months.

3. The application was received by the Tribunal on 29 November 2023. On 7 December 2023 the Tribunal sought further information and in particular whether another application with the reference FTS/HPC/EV/23/3737 could be withdrawn. On 20 December 2023 the applicant confirmed that it could.

4. On 22 December 2023 the Tribunal confirmed that the application would be considered and on 22 January 2024 the application was accepted for determination.

5. Thereafter the respondent was sent a copy of the application.

Case Management Discussion

1. The respondent did not attend. It was only acknowledged by the applicant that the respondent had left the property but the applicant wished to obtain an order for eviction.

2. From the paperwork that had been lodged the tenancy had commenced on 17 September 2019 and there were considerable rent arrears now totalling well in excess of £4,000 and there clearly had been significantly more than three months worth of rent arrears.

3. The Tribunal did question whether the order was necessary standing that the respondent appeared to have left but the applicant wished to insist upon his application. In these circumstances the Tribunal granted the order.

Findings in Fact

1. The parties entered into a Lease Agreement for the property at 4/59, 220 Wallace Street, Glasgow G5 8AJ with a commencement date of 17 December 2019.

2. The respondent has been in significant rent arrears throughout the course of the tenancy and significantly in excess of a period of three months.

Reasons for Decision

1. The applicant wished to insist upon an order being granted. From the bank statements lodged there had been rent arrears over a significant period of time and indeed over the course of years. There were significantly more than three months worth of rent arrears.

2. The respondent did not attend. The indication clearly was that the respondent had left the property.

3. In these circumstances the Tribunal were prepared to grant the order.

Decision

To grant an order of eviction.

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.

M Thorley

19th April 2024

Mark Thorley
Legal Member/Chair

Date