



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

Reference number: FTS/HPC/EV/20/0919

Order granted on 12 August 2020 in absence of the Respondent

Property: 2 2/2 (10) Littlemill Court, Bowling, Glasgow, G60 5BP

Parties:

Mark Sullivan, residing at 46 Oxford Avenue, Gourrock, PA19 1XU (“the Applicant”)

Noel Crawford, residing at 2 2/2 (10) Littlemill Court, Bowling, Glasgow, G60 5BP (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

Background

The Applicant sought recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, a Notice to leave, served on 28 January 2020, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal which showed that the applicant is a joint heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 11.30am on 12 August 2020. The Applicant was represented by Miss S McCulloch of Rent

Locally, Hamilton. The hearing was delayed until 11.42am to allow sufficient time for the respondent to participate, but there was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy Agreement for the Property dated 24 December 2018. The respondent took entry to the property on the same day.
2. The rent in terms of the Tenancy Agreement was £450 per month.
3. The respondent maintained payments of monthly rental until July 2019, when he only made a partial payment of the rental. From that date, the respondent regularly failed to pay the full monthly rental so that arrears of rent built up. Since July 2019, the rent has constantly been in arrears. At the date of application, the rent arrears were £940. 00. By the end of March 2020 the rent arrears were £1,040. At today's date the rent arrears are £2,140, which is the equivalent of 4.75 months' rent. The rental has continuously been in arrears for the last 13 months.
4. On 28 January 2020 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 12 March 2020, the applicant submitted an application to the Tribunal.
5. The Applicant seeks recovery of possession of the Property in terms Ground 12 of part 3 of schedule 3 to the 2016 Act.
6. There is no suggestion that the respondent is in arrears of rent either wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. It is not argued that it is unreasonable to grant an order for repossession of the property. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.
7. The respondent offers no resistance to this application. Notice of today's hearing was served on the respondent by Sheriff Officers on 10 July 2020.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in in terms Ground 12 of part 3 of schedule 3 to the 2016 Act is established. The respondent offers no defence to the application. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

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.

Paul Doyle

12 August 2020

Legal Member