



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988.

Chamber Ref: FTS/HPC/EV/20/0280

Re: Property at Flat 1/2, 1316 Govan Road, Linthouse, Glasgow, G51 4RE (“the Property”)

Parties:

Home Group Limited, 2 Gosforth Park Way, Gosforth Business Park, Gosforth, Newcastle Upon Tyne, Tyne and Wear, NE12 8ET (“the Applicant”)

Mr Stephen Little, Ms Louise Galloway, Flat 1/2, 1316 Govan Road, Linthouse, Glasgow, G51 4RE (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondents)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for the possession of the property at Flat 1/2 1316 Govan Road Linthouse Glasgow G51 4RG be made on the ground that both as at the date of service of the AT6 and as at today’s date at least three months’ rent lawfully due from the respondents in in arrears.**
- 2. This is a case management discussion ‘CMD’ in connection with an application for possession of the property in terms of rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’, and s18 of the Housing (Scotland) Act 1988, ‘the Act’. There was a second application before the tribunal in terms of rule 70 to recover rent arrears for the property.**
- 3. The tribunal had before it the following copy documents:**
 - (a) Application dated 27 January 2020 and received by the tribunal on 28 January 2020.**

- (b) Short assured tenancy agreement between the parties dated 21 July 2016.
- (c) Lease between Home in Scotland Limited and Home Group Limited.
- (d) Land certificate.
- (e) Notice to quit served on first named applicant.
- (f) Notice to quit served on second named applicant.
- (g) AT6 served on first named applicant.
- (h) AT6 served on second named applicant.
- (i) Sheriff Officer's execution of service of the notices on 9 December 2019.
- (j) S11 notice.
- (k) Rent statement.
- (l) Letter sent to respondent regarding rental changes dated 14 February 2017, 22 February 2018 and 20 February 2019.

4. The respondents did not attend the CMD and were not represented. The applicant was represented by Ms Caldwell of TC Young Solicitors. The tribunal had sight of the sheriff officer's execution of service dated 18 February 2020 and was satisfied that the respondents had received appropriate notification in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29.

Discussion

5. Ms Caldwell was seeking an order for eviction today. The rent arrears as at today's date are £5424.57. Her instructions are that the respondents have not been in receipt of housing benefit during the tenancy. The applicants are not aware of the arrears being due wholly or partly to a delay or failure in housing benefit.

Findings in fact and law

6. The tribunal made the following findings:
- (a) Home in Scotland Limited is the owner of the property. The applicant has a lease with the owner for the rental of 60 properties including the property rented by the respondents.
 - (b) The parties entered into a short assured tenancy on 21 July 2016 for let of the property for the initial period of 6 months from 21 July 2016 until 20 January 2017 and month to month thereafter.
 - (c) The agreed rent was £455.98.
 - (d) The respondents were each served with a valid notice to quit dated 5 December 2019 by sheriff officer on 9 December 2019.
 - (e) The short assured tenancy has reached its end and a statutory assured tenancy is in existence.

- (f) Rent arrears have accrued and the rent arrears as at 1 January 2020 were £4415.51.
- (g) The respondents were each served with an AT6 dated 5 December 2019 by sheriff officer on 9 December 2019.
- (h) As at the date of service of the AT6 there were rent arrears in excess of three months rental payments of £3910.98.
- (i) As at the case management discussion there are rent arrears in excess of three months, namely, £5424.57.
- (j) The rent arrears are not wholly or partly a consequence of a delay or failure in payment of a relevant benefit.

Reasons

- 7. This was an undefended eviction application on the basis of ground 8, that both as at the date of service of the AT6 and at the hearing date there are rent arrears in excess of 3 months. The tribunal was satisfied that the arrears were not wholly or partly due to a delay or failure in a relevant benefit. The tribunal was satisfied that it had sufficient information before it to grant a decision and that the procedure has been fair. The tribunal granted the mandatory order sought.

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.

Mrs Lesley A Ward

17 March 2020

Lesley A Ward Legal Member

Date