

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/0701**

**Re: Property at 44 Parmelia Court, Perth, PH1 5SQ ("the Property")**

**Parties:**

**Atholl Lettings, Tulloch Works, Tulloch Road, Perth, PH1 2RW ("the Applicant")**

**Miss Anita Jeles, 44 Parmelia Court, Perth, PH1 5SQ ("the Respondent")**

**Tribunal Members:**

**Gabrielle Miller (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 against the Respondent.**

1. An application was received by the Housing and Property Chamber on 4<sup>th</sup> March 2019. It was dated 3<sup>rd</sup> March 2019. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations"). The application was based on the Respondent not adhering to ground 12 of the Private Housing (Tenancies) Act 2016.
2. The application included:-
  - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 9<sup>th</sup> January 2018;
  - b. Notice to Leave signed 29<sup>th</sup> January 2019 stating an application would not be submitted to the Tribunal before 28<sup>th</sup> January 2019;
  - c. Section 11 notice noting proceedings would not be raised before 28<sup>th</sup> February 2019;
  - d. Rent statement from 20<sup>th</sup> January 2018 to January 2019. This detailed the rent of £440 per month and arrears of £1500;

- e. Copy email dated 29<sup>th</sup> January 2019 serving Notice to Leave upon the Respondent; and
  - f. Print out of bank statement from the Applicant detailing payments from the Respondent dated 20<sup>th</sup> January 2018 to 13<sup>th</sup> November 2018.
3. The Tribunal also had before it a copy of the title deeds numbered PTH34918.
4. On 10<sup>th</sup> April 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 1<sup>st</sup> May 2019 at 10am at the Carers Centre, Dundee. The letter also requested all written representations be submitted by 26<sup>th</sup> April 2019.
5. On 10<sup>th</sup> April, the Applicant emailed the Housing and Property Chamber requested the amount sought be increased to £2380. This was notified to the Respondent by the Housing and Property Chamber by recorded delivery letter.
6. On 15<sup>th</sup> April 2019, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service and first class post. This was evidenced by Certificate of Citation dated 15<sup>th</sup> April 2019.
7. The case was conjoined with case FTS/HPC/CV/19/0712.

#### The Case Management Discussion

8. A CMD was held on 1<sup>st</sup> May 2019 at 10am at Inveralmond Business Centre, Perth. The Applicant was represented by Mr John Gordon who is the sole proprietor. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither party made representations in advance of the hearing. Mr Gordon informed the Tribunal that the Respondent last paid a £420 payment in November 2018. Mr Gordon informed the Tribunal that he had spoken to the Respondent within the last two weeks. There was no discussion of payment. He also informed the Tribunal that there were no outstanding Housing Benefit or Universal Credit Housing Element issues. The Respondent had thought she was entitled as she had been in and out of employment but had sought advice which confirmed that she did not have an entitlement to Housing Benefit.

#### Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 9<sup>th</sup> January 2018.
10. The Respondent persistently failed to pay her rent charge of £440 per month. The rent payments are due to be paid on 12<sup>th</sup> day of each month.

11. Arrears accrued to more than one months rent payment at the date of application and was more than three months rent payments at the date of the hearing.

12. There are no outstanding Housing Benefit issues.

13. The arrears sought totalled £2380. The Tribunal was satisfied that the Respondent had been aware that a higher amount was being sought in the application.

#### Decision

14. The Tribunal found that ground 12 has been established and the granted an order in favour of the Applicant for eviction of the Respondent.

#### **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.**

**Gabrielle Miller**

**Legal Member/Chair**

**Date**

18 MAY 19