



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 2020

Chamber Ref: FTS/HPC/EV/20/1369

Re: Property at Flat 0/2, 243 Wellshot Road, Glasgow, G32 7QD (“the Property”)

Parties:

Gosal Property Limited, c/o KPM Residential Limited, 23 Park Circus, Glasgow, G3 6AP (“the Applicant”)

Mr Ian Thomas Conway, Flat 0/2, 243 Wellshot Road, Glasgow, G32 7QD (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”) the Applicant was not in attendance but was represented by Ms Nicola Caldwell of TC Young, Solicitors, Glasgow. The Respondent was neither present nor represented.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

- The Applicant is the heritable proprietor of the Property.
- The Respondent is the tenant of the Property.
- The tenancy is a Private Residential Tenancy Agreement under the Private Housing (Tenancies)(Scotland) Act 2016 (“the Act”).
- The Tenancy Agreement was signed on 28 December 2017 (“the Agreement”).
- In terms of the Agreement the rent payable by the Respondent was agreed to be £395 per calendar month payable in advance on the 1st day of each month.

- On 12 February 2020 a Notice to Leave was served on the Respondent. Service was effected by email in accordance with the terms of the Agreement, paragraph 2 thereof.
- A Notice under Section 11 of the Homelessness etc (Scotland) Act 2003 was submitted to Glasgow City Council by email on 19 June 2020.
- The Respondent remains in occupation of the Property.
- As at the date of the Application to the Tribunal the rent arrears accrued were £7,845.
- A Direction was issued by the Tribunal on 10 August 2020 asking the Applicant to provide no later than the close of business on 25 August 2020:
 1. Proof of the Landlord registration of the Applicant; and
 2. In the related case bearing reference FTS/HPC/EV/20/1373 Clarification of the Rule under which the Application is made.

The Case Management Discussion

Submissions for the Applicant:-

At the CMD the Applicant's Representative stated:-

- That the Respondent is believed to be still in occupation of the Property.
- That it is not known if any other persons live with the Respondent.
- That the rent arrears have increased to £9,425 as at the date of the CMD.
- That the Respondent has made no payment since 4 December 2019.
- That proof had been provided of the Applicant's Landlord Registration Number by email dated 9 September 2020.
- That an order for the Respondent's eviction should be granted.

Reasons for Decision

- There exists between the parties a Private Residential Tenancy.
- The Respondent is in arrears of rent in a sum of £7,485.00 as at the date of the Application and £9,425.00 as at 24 September 2020.
- The Respondent has had due intimation of this Application in terms of the Regulations.
- The terms of Ground 12 of Part 3 of Schedule 3 of the Act are met and the Tribunal must therefore issue an eviction order.
- An order for the eviction of the Respondent from the Property should be granted.

Decision

The Tribunal therefore makes an order for the eviction of the Respondent from the Property under Section 51 of the Act and Schedule 3, ground 12.

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.

G.B

Legal Member/Chair

24 September 2020