

**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/19/2038**

**Re: Property at Flat 1/2 14 Clarence Street, Paisley, PA1 1PU ("the Property")**

**Parties:**

**G 3 R Properties Limited, 18 Moorhill Road, Newton Mearns, Glasgow, G77 6BW ("the Applicant")**

**Miss Tariro Matiyenga, Flat 1/2 14 Clarence Street, Paisley, PA1 1PU ("the Respondent")**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the order for eviction should be granted.**

**Background**

On 1<sup>st</sup> July 2019 the Applicant lodged an application seeking eviction of the Respondent from the property based on Ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Lodged with the Application were:

1. Copy Tenancy Agreement
2. Bank Statements to show non-payment of rent
3. Notice To Leave
4. Section 11 Notice

## **Case Management Discussion**

The Applicant was represented by Rukhsana Reham, Director. She was accompanied by her husband, Gulam Rasool. The Respondent did not appear and was not represented.

The Applicant had shown in her application that at the date the Notice to Leave was served the rent arrears stood at £1875, being five months' rent.

The Applicant confirmed that rent arrears now stood at £3375. An up to date rent statement was produced.

The Applicant told the tribunal that she had had no contact with the respondent, and as far as she knew no application for benefits had been made by the Respondent.

The Applicant sought an order for eviction.

## **Findings In Fact**

1. The parties entered in to a tenancy agreement for the property;
2. The rent was £375 per month;
3. A Notice to Leave was correctly served on the Respondent;
4. At the date of the Notice To Leave rent arrears stood at £1875, which represented five months' rent;
5. The rent is currently in arrears in the amount of £3375, being nine months' rent;
6. The rent arrears had not arisen due to a delay in the payment of benefit.

## **Reasons For Decision**

The criteria laid out in ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 have been satisfied.

## **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.

Alison J Kelly

Legal Member/Chair

6 September 2019

Date