



**Decision 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/23/0092**

**Re: Property at Flat J, 14 Stevenston Street, Motherwell, ML1 4RQ (“the Property”)**

**Parties:**

**Greystone Asset Management Ltd, 362 Derby Street, Bolton, BL3 6LS (“the Applicant”)**

**Mr Matthew Dean Bainbridge-Dudley, Mr Bentley Miles Harding, Flat J, 14 Stevenston Street, Motherwell, ML1 4RQ; 196 Quarry Street, Motherwell, Lanarkshire, ML1 4HJ (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondents from the property.
2. By decision dated 17 March 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 29 March 2023. The Tribunal intimated the application to the parties by letter of 20 April 2023 and advised them of the date, time and conference call details of today’s case management discussion (“CMD”). In that letter, the parties were

also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 11 May 2023.

4. On 24 April 2023, the Tribunal received written submissions from the Second Respondent, advising that he left the property on 14 July 2021.

### **The case management discussion**

5. The CMD took place by conference call. The Applicant was represented by Mr Jarvie. Both Respondents joined the conference call. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/23/0093. The Applicant's representative moved to amend the ground for eviction to ground 12A, which was introduced by the Cost of Living (Tenant Protection) (Scotland) Act 2022. The Applicant's representative explained that the last payment towards the rent account was on 6 June 2022 in the sum of £175. Rent arrears have increased to £5,730, which is the equivalent to just over 12 months' rent due in terms of the tenancy agreement. The First Respondent advised that he lives alone in the property and did not oppose the application for eviction. He has not been in touch with the local authority in relation to alternative accommodation. The Second Respondent moved out of the property in July 2021 and did not oppose the application.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 2 October 2019.
7. The Applicant served the Notice to Leave on the Respondents by email on 11 July 2022.
8. The level of rent arrears due by the Respondents exceeds an amount equivalent of 6 months' rent.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. Neither Respondent opposed the application. The Second Respondent vacated the property in July 2021. The rent arrears are substantial and have been outstanding for a considerable period of time. The First Respondent has not paid anything towards rent since June 2022. Given the level of arrears, the Tribunal granted the amendment application and allowed the application to proceed on the basis of ground 12A. The Tribunal

was satisfied that the ground for eviction was established and that it was reasonable to grant the order evicting the Respondent from the property.

## **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

# Nicola Irvine

Legal Member/Chair

30 May 2023

Date