



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (the 2016 Act)

Chamber Ref: FTS/HPC/EV/19/2697

Re: Property at G/2 25 St Peters Street, St Georges Cross, Glasgow, G4 9HH (“the Property”)

Parties:

Mr Peter McLean, 15 Kirklee Terrace, Kelvinside, G12 0TJ (“the Applicant”)

Miss Salima Boutoubane, G/2 25 St Peters Street, St Georges Cross, Glasgow, G4 9HH (“the Respondent”)

Tribunal Members:

Jan Todd (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction should be granted.

Background

1. A Case Management Discussion (CMD) was held at 10 am on 1st November 2019 at 20 York Street Glasgow.
2. Mr Pamela Davren from Fineholm Lettings attended for the Applicant. The Applicant was not present.
3. The Respondent did not attend in person, nor did anyone appear on her behalf. There had been no reason intimated in advance for her non-appearance nor any request made for a postponement of the CMD.
4. The Tribunal noted that valid intimation of the CMD had been made to the Respondents having seen a certificate of execution of service on the Respondent by Sheriff Officers on 2nd October 2019. Accordingly the Tribunal proceeded to hold the CMD in the absence of the Respondent.

The Case Management Discussion

5. There were no written representations received from the Respondents.
6. Ms Davren advised that the position remained as per her Application namely that the Respondent had entered into a lease of the Property and that rent has been outstanding since April.
7. The rent now owing is £2,825 which is an increase since the application was raised.
8. Ms Davren advised that the tenant is still living in the Property and may have recently stopped working. She confirmed that the tenant advised her she had not applied for any benefits yet.
9. Ms Davren confirmed the tenant is more than 3 months in arrears at the current time and has only paid £150 towards the rent due in September and October, the monthly rent being £650. Rent started accruing since April this year.
10. Ms Davren confirmed she was seeking an order for eviction today.

Findings in Fact

11. The parties entered into a lease of the Property which commenced on 10th September 2018.
12. The Rent due is £625 per calendar month payable in advance
13. The Applicant has produced a statement of rent showing that by 24th August 2019 the rent outstanding is £1886.98 and the rent has been in arrears since April 2019.
14. At today's date the rent owing is £2825.
15. There are currently over 3 months' rent outstanding.
16. The arrears of rent are not wholly or partly due to a delay or failure in payment of a relevant benefit.
17. A notice to leave was served on each Respondent on 24th July 2019 by Sheriff Officers confirming that no proceedings would be raised before 23rd August 2019.
18. This application was raised on 28th August 2019.

Reasons for Decision

19. The Tribunal was satisfied that the Respondents had been served with a valid Notice to Leave under S52 (3) of the 2016 Act specifying Ground 12 of Schedule 3 of the Act as the relevant ground of eviction.
20. The Tribunal accepted the verbal averments and written statement of rent arrears from the Applicant's agent who was credible in her evidence of the Respondent having failed to pay the full rent since April 2019.
21. There being no response to counter this from the Respondents and the Tribunal being satisfied in terms of S 51 (1) of the Act that one of the eviction grounds named in Schedule 3 of the Act, namely Ground 12, is met, determined that the order for eviction sought by the Applicant should be granted.

Decision

The order for eviction is granted.

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.

Jan Todd

Legal Member/Chair

1st November 2019
Date