



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

Chamber Ref: FTS/HPC/EV/19/0134

Re: Property at Flat 5/4, 6 Brabloch Park, Paisley, PA3 4QD (“the Property”)

Parties:

Mr Gordon Reid, 16 Kirkview Crescent, Newton Mearns, Glasgow, G77 5DD (“the Applicant”)

Ms Ashleigh Dickson, Flat 5/4, 6 Brabloch Park, Paisley, PA3 4QD (“the Respondent”)

Tribunal Members:

Patricia Pryce (Legal Member)

Decision

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

- **Background**

This is an application for recovery of possession of the Property on the grounds of three months’ arrears of rent.

- **The Case Management Discussion (CMD)**

Mrs Kathleen Reid, the owner of the Property, and Mrs Anne Boyle, Letting Agent, attended on behalf of the Applicant. The Respondent attended on her own behalf. She was not represented.

In addition to all of the papers before the Tribunal, the parties made submissions as noted below which were also considered by the Tribunal.

The Respondent accepted that the arrears stated within the application were due when the application was first raised. In addition, she accepted that she

presently owed, at the time of the CMD, £3,680 by way of rent arrears. She also submitted that she had started to receive Universal Credit (UC) in the last couple of months. She confirmed that there was no issue of backdated UC. Her benefit situation was up to date. There was nothing outstanding as she had previously worked full-time hours and did not qualify for UC. She reduced her hours and now receives just over £400 per month in respect of UC.

Mrs Reid submitted that the Respondent had been in the property for 17 months and that there were eight months of non-payment of rent and four months of under-payment of rent together with six inspection requests denied. Mrs Reid submitted that she was insisting on the order. She had given the Respondent every opportunity to bring her payments up to date. The Respondent had been due to leave the property on 24 December 2018 but Mrs Reid had given her further time to pay.

Mrs Boyle submitted that the last payment of rent received was £640 on 24 March 2019. The arrears as at the date of the CMD are £3,680. No payment has been received in respect of April's rent.

- Findings in Fact

1. The start date of the tenancy between the parties was 20 December 2017.
2. The tenancy is a private rented sector tenancy regulated by the 2016 Act.
3. The rent is £600 per calendar month.
4. The notice to leave was served by sheriff officers on the Respondent on 21 November 2018.
5. As at 23 April 2019, the rent arrears amount to £3,680.
6. The Respondent has been in arrears of rent since February 2018.
7. The Respondent has been continuously in arrears of rent for three months or more since April 2019.
8. There are no outstanding or live benefit issues in respect of the Respondent.

- Reasons for Decision

The ground under which this application was raised was established by the facts as outlined above. The Respondent accepted that she had been in arrears for more than three months for a considerable period of time and at least since 2018. She further accepted that there were no live benefit issues nor was she expecting any backdated benefit payments. Given all of the foregoing, the Tribunal required to grant the order sought as the mandatory ground was met. The Respondent was £3,680 in arrears as at the date of the CMD and had been in arrears of rent for three or more months since April 2018.

- Decision

The Tribunal determined to grant an order for eviction.

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.

Ms Patricia Anne Pryce

Patricia Anne Pryce

23 April 2019



Legal Member/Chair

Date