

Housing and Property Chamber
First-tier Tribunal for Scotland



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 Act”)

Chamber Ref: FTS/HPC/EV/23/1863

Re: Property at 1 2/1 Tamshill Street, Glasgow, G20 9QT (“the Property”)

Parties:

LAR Housing Trust, F3 Buchan House, Carneige Campus, Enterprise Way, Dunfermline, Fife, KY11 8PL (“the Applicant”)

Ms Beth Maclean, Mr Mario Bega, 1 2/1 Tamshill Street, Glasgow, G20 9QT; 1 2/1 Tamshill Street, Glasgow, G20 9QT (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (In the absence of the Respondents)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act. The Application had previously called for a Case Management Discussion (CMD). The First Respondent, Ms MacLean had not been in attendance but had sent in representations attempting to excuse her absence. The Second Respondent, Mr Bega, has had no involvement with the Tribunal process. Neither Respondent had complied with the directions subsequently made by the Tribunal at the previous CMD. The Applicant had complied with the Direction made ordering them to provide evidence of the Applicant’s acquisition of the landlord’s interest in the relevant tenancy agreement.

The Case Management Discussion

[3] The Application called again for a CMD by conference call at 10 am on 22 November 2023. Ms Donnelly was again representing the Applicant. There was no appearance by or on behalf of the Respondents. The Tribunal decided to proceed in the absence of the Respondents. Having heard from Ms Donnelly, the Tribunal made the following findings in fact.

Findings in Fact

- I. The Applicant acquired the landlord’s interest in a tenancy agreement in which the Property was let to the Respondents;
- II. The Respondents fell into rent arrears;
- III. Ground 12 of Schedule 3 of the Act is established;

- IV. The Applicant has complied with the terms of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;
- V. The Respondents' rent arrears have now increased to the sum of £3,492.54;
- VI. It is reasonable to make an Eviction Order.

Reasons for Decision

[4] The Respondents have not complied with the Directions made nor adequately participated in the Tribunal process. Their rent arrears have increased since the Application was raised. The Respondents are now regularly making no rental payments at all. The Tribunal decided that it was reasonable to make an Eviction Order.

Decision

[5] The Tribunal granted the Application and made an Eviction Order.

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.

A McLaughlin

Legal Member/Chair

22 November 2023

Date