



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/23/2318

Re: Property at 36 Gairbraid Court, Glasgow, G20 8HU (“the Property”)

Parties:

VR Property Gateway, 47 Oldbar crescent, Glasgow, G53 7AT (“the Applicant”)

Miss Courtney Mccourt, 36 Gairbraid Court, Glasgow, G20 8HU (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (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 for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 7 November 2023 informing both parties that a CMD had been assigned for 19 December 2023 at 10am, which was to take place by conference call. 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 Respondent was invited to make written representations by 28 November 2023.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Mr Nick Ponty and the Respondent represented herself. This case called alongside a related case which proceeds under chamber reference FTS/CV/23/2571. The Applicant's representative explained that the rent arrears have increased to £4,951.44. The Applicant moved for an order for eviction to be granted on the basis of ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondent explained that she did not oppose the application for an eviction order. She accepted that the rent arrears have increased to £4,951.44. She is not presently working and lives in the property with her 17 year old daughter. The Respondent has been in contact with the local authority and has made applications for alternative accommodation. She has been advised that the local authority will not rehome her unless and until an order for eviction is granted.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 16 November 2020.
6. The Applicant served Notice to Leave on the Respondent by email on 4 June 2023.
7. The Respondent has been in rent arrears for over 3 consecutive months.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent accepted that the rent arrears have increased and she did not oppose the application. The rent arrears have increased substantially since the application was submitted and now equate to more than 7 months of rental charges due. The Tribunal was satisfied that ground 12 has been established and that it was reasonable to grant the order sought.

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.



Legal Member

19 December 2023

Date