



**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/23/2424**

**Re: Property at Flat 3/2 2 Greenlaw Court, Yoker, Glasgow, G14 0PQ (“the Property”)**

**Parties:**

**Mrs Catherine Brady, Mr Scott Brady, 34 Southbrae Gardens, Glasgow, G12 1UB (“the Applicant”)**

**Cameron John MacLean, Carla Francesca Pacitti, Flat 3/2 2 Greenlaw Court, Yoker, Glasgow, G14 0PQ (“the Respondents”)**

**Tribunal Members:**

**Mr. Andrew McLaughlin (Legal Member) and Mr. Ahsan Khan (Ordinary Member)**

**Decision**

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

## **Background**

[2] The Applicants seek an Eviction Order under ground 12A of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to leave, proof of service of the notice to leave, a rent statement, evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) Scotland Regulations 2020* and evidence of compliance with the Homelessness (etc) (Scotland) Act 2003. The Respondents had also submitted representations in advance of the Case Management Discussion setting out their position.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) at 10 am on 7 December 2023. The Applicants were represented by Ms Wooley of Bannatyne Kirkwood France & Co. The First Respondent, Mr McLean was present in his own right and on behalf of the Second Respondent, Ms Pacittii.

[4] The Tribunal discussed all aspects of the Application with the parties. Having done so, the Tribunal made the following findings in fact.

## **Findings in Fact**

- I. *The Applicants and the Respondent entered into a tenancy agreement whereby the Property was let to the Respondents by virtue of a Private Residential Tenancy Agreement;*

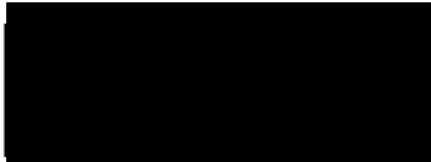
- II. *The contractual monthly rent was initially £600.00 before being increased to £625.00 per month;*
- III. *The Respondents fell into rent arrears and on 26 May 2023, the Applicants served a notice to leave under ground 12A of Schedule 3 of the Act on the Respondents;*
- IV. *The Applicants have complied with the terms of The Rent Arrears Pre-Action Requirements ((Coronavirus) Scotland Regulations 2020 and the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondents accept that the rent arrears founded upon are lawfully due but remain unpaid;*
- VI. *The Respondents intend to leave the Property but would like some more time to organise finding alternate accommodation;*
- VII. *Ground 12A of the Act is established as at today's date and as at the date of service of the notice to leave;*
- VIII. *The Respondents' son has a serious health condition and the Respondents are anxious about moving house but at the same time don't wish to stay in the Property;*

## **Reasons for Decision**

[5] The Tribunal considered the full facts of the situation and concluded that it was reasonable to make an Eviction Order. Having done so, the Tribunal granted the Application. The Tribunal did however consider it appropriate to order that the Eviction Order granted may not be enforced prior to 28 February 2024. That will give the Respondents more time to organise finding alternative accommodation.

## **Right of Appeal**

[6] 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/Chair

6 December 2023

Date