



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 19 of the Housing (Scotland) Act 1988 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/3507

Re: Property at 28 Monks Road, Airdrie, ML6 9QW (“the Property”)

Parties:

JWR Holdings Ltd, 52 Southburn Avenue, Airdrie, ML6 9QE (“the Applicant”)

Ms Sara Pollock, 28 Monks Road, Airdrie, ML6 9QW (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

[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 11 of Schedule 5 of the Act. The Application is accompanied by a copy of the notice to quit and Form AT6 relied on together with the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003. Rent statements are also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 7 March 2024. The Applicant was represented by Mr John Grant, Solicitor. The Applicant’s own Mr Rafferty was also present. There was no

appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers. The Tribunal accordingly decided to proceed in the absence of the Respondent. Having heard from Mr Grant, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicants entered into a tenancy agreement whereby the Respondent let the Property from the Applicant;*
- II. *The contractual monthly rent was £750.00;*
- III. *The Respondent stopped paying rent in September 2021 and has not paid any rent whatsoever since then whilst continuing to live in the Property;*
- IV. *The Applicant has competently served a Notice to Quit and Form AT6 under ground 11. The Notice to Quit tied in with the ish date of the tenancy. The ground set out in the Form AT6 was established as at the date of service;*
- V. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- VI. *The Respondent now owes in excess of £23,320 in rent arrears;*
- VII. *There is nothing to suggest that any arrears have accrued as a result of delays in receipt of benefit payments. There is nothing to suggest that the Respondent has any outstanding benefit claims;*
- VIII. *The Respondent has not engaged with the Tribunal process;*
- IX. *There is nothing to suggest that the Respondent has any particular health or caring needs that ought to be taken into account by the Tribunal;*
- X. *Ground 11 remains established as at today's date;*

Reasons for Decision

[4] Having made the above findings in fact, The Tribunal considered that it was reasonable to grant the Application and make an Eviction Order. In assessing the reasonableness of granting the order, the Tribunal took account of the scale and duration of the arrears, the lack of any mitigation and the lack of engagement from the Respondent.

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/Chair

7 March 2024

Date