



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/0387

Re: Property at 345/4 Gorgie Road, Edinburgh, EH11 2RG (“the Property”)

Parties:

Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Mrs Catherine Sutherland, 345/4 Gorgie Road, Edinburgh, EH11 2RG (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

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 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
1. 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”).
2. Letters were issued on 2 April 2024 informing both parties that a CMD had been assigned for 9 May 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were 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 23 April 2024. No written representations were received.

2. On 1 May 2024, the Tribunal received an updated rent statement from the Applicant's representative.

Consideration of the application without a Hearing

3. The Applicant's representative explained that the rent arrears have increased to £10,873.22. The Applicant has attempted to work with the Respondent, but she has failed to engage with the Applicant. The last successful recorded contact between the Applicant and Respondent was in December 2022. The Respondent previously agreed a repayment plan but has not adhered to those payments. The rent arrears are now substantial and equate to 14 months' rent. It was submitted that in these circumstances, it was reasonable to grant an order for eviction.

Findings in Fact

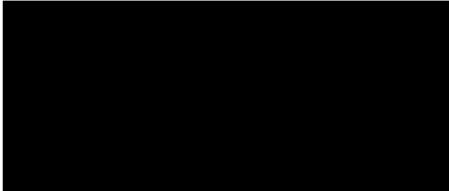
4. The parties entered into a short assured tenancy which commenced 22 January 2013.
5. The Applicant's representative served a Notice of Proceedings (form AT6) and a Notice to Quit on the Respondent by sheriff officer on 8 September 2023.
6. As at the date of service of the notices, the Respondent incurred rent arrears totalling £9,627.22, which equated to more than 6 months' rent arrears.
7. The Respondent has persistently delayed in paying rent.
8. Some rent was lawfully due when these proceeding began and when the notice of proceeding was served.

Reason for Decision

9. The Tribunal took account of the submissions made at the CMD and the documents lodged in support of the application. The Respondent did not participate in the CMD, nor did she lodge any written submissions. There was no material available to indicate that the Respondent disputed the rent statement. The updated rent statement lodged discloses that the rent arrears have increased substantially to £10,873.32. It appears therefore that the tenancy is not sustainable.
10. The Tribunal was satisfied that, in light of these circumstances, it was reasonable to grant an order evicting the Respondent from the property.

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

9 May 2024
Date