



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

Chamber Ref: FTS/HPC/EV/23/3403

Re: Property at 3/3 6 Brick Lane, Paisley, PA3 4AE (“the Property”)

Parties:

D & E Properties, Bourtreehill Cottage, By Dreghorn, Irvine, KA11 3DA (“the Applicant”)

Ms June Pickthall, 3/3 6 Brick Lane, Paisley, PA3 4AE (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted.

Background

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) by application dated 22 September 2023.
2. Accompanying the application were the following documents:
 - (i) Copy Notice to Leave
 - (ii) Copy Notice given to Local Authority
3. The applicant applied under three grounds namely:
 - (a) Ground 12 – rent arrears over three consecutive months.
 - (b) Ground 15 – tenant has associated in a let property with someone who has engaged in antisocial behaviour.
 - (c) Ground 10 – tenant is no longer occupying the let property.

4. The application was received by the Tribunal on 28 September 2023 and further information was sought.
5. On 9 November 2023 it was determined that a complete application had been received.
6. A revised application was sent into the Tribunal thereafter confirming that grounds 12, 14 and 15 were the relevant grounds together with an up to date Rent Statement.
7. The application was accepted for determination on 22 February 2024.
8. The application was served by sheriff officers on the respondent and no responses were received to that.

Case Management Discussion

9. At the case management discussion the applicant attended. There was no appearance by or for the respondent.
10. The applicant confirmed that the respondent was still living within the property.
11. The applicant also confirmed that he was only going to insist on ground 12 in terms of eviction namely the issue surrounding rent arrears.
12. The applicant confirmed that rent arrears were now outstanding in the sum of £3,195.27.
13. The respondent had made payment of the rent on 1 December 2023 and 1 January 2024.
14. Thereafter there have been universal credit payments received on 28 March 2024 in the sum of £350 and £73.74 per month.
15. However rent arrears had increased.
16. The applicant had attempted to engage the respondent but the last communication that he had received from her was on 19 April 2023.
17. He confirmed that she was believed to be in her 40s, had no children, did not work and had no known mental or physical health issues.

Findings in Fact

18. The parties entered into a Private Rented Tenancy Agreement for the rental of the property at Flat 3/3, 6 Brick Lane, Paisley by Private Residential Tenancy Agreement on 19 April 2019.
19. Rent was due to be received in the sum of £350 per month.

20. As at 1 December 2023 the amount of rent outstanding was £3,066.79. There were considerably more than three months where the applicant had been in arrears of rent. The applicant had been in arrears of rent for significantly over a period of 12 months.

21. The applicant continued to reside in the property.

Reasons for decision

22. The applicant did not attend at the hearing nor had provided any written representations.

23. The Tribunal considered only ground 12 in relation to the three grounds that were put forward in terms of the application. The Tribunal were more than satisfied that there were arrears of rent for significantly more than three months and on a consecutive basis.

24. Rent was £350 per month. Currently rent arrears were over £3,000. They have been over 3 months consecutively in arrears at the end of 2023.

25. Although there have been payments of rent on 1 December 2023 and 1 January 2024 and subsequent to that universal credit payments the arrears were still significant.

26. The respondent had not engaged in any form. She remained within the property.

27. The decision of the Tribunal was unanimous.

Decision

To grant an order of eviction under ground 12.

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.

Mark Thorley

Legal Member

Date: 13 June 2024