



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/24/0381

Re: Property at 16 Langa Street, Glasgow, G20 0SE (“the Property”)

Parties:

Bank of Scotland PLC Birmingham Midshires Division, The Mound, Edinburgh, EH1 1YZ (“the Applicant”)

Miss Jennifer Thomson, 16 Langa Street, Glasgow, G20 0SE (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Robert Buchan (Ordinary Member)

Decision

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 way of application dated 22 January 2024.
2. Accompanying the application were the following documents:
 - a) Copy Tenancy Agreement
 - b) Copy Decree dated 13 January 2023
 - c) Copy Notice to Leave and Sheriff Officers Execution thereof
 - d) Copy Section 11 Notice to the Local Authority
 - e) Copy Form BB to Occupier
3. The application was received by the Tribunal on 24 January 2024.

4. Further information was then sought. That information was provided and on 28 February 2024 the application was accepted for determination by the Tribunal.
5. The application was served by Sheriff Officers personally on 16 April 2024.
6. The Applicant wrote to the Tribunal on 1 May 2024.

Case Management Hearing

1. At the case management hearing Ms Macdonald attended on behalf of the Applicant. The Respondent appeared herself.
2. Information was given by the Applicant that no payment had been made to the mortgage since March 2022. The mortgage that was due on the property was now in excess of £250,000. Arrears were over £45,000.
3. The Respondent indicated that she continued to pay the mortgage at £800 per month. It had been £1,200 per month but this had been reduced by the owner.

Findings in Fact

1. That the Applicant had obtained a Decree for repossession of the property at 16 Langa Street, Glasgow G20 0SE on 13 July 2023.
2. That the owner of the property had made no payment to the mortgage since March 2020.
3. That arrears were due in excess of £45,000.
4. That a nearby property had been exposed on the market for the sum of offers over £215,000.

Reasons for Decision

1. The Tribunal acknowledged and accepted entirely that the Respondent had acted responsibly in that she had continued to pay rent to the owner of the property whilst she had been in occupation of the tenancy for a period of four years. It appeared however that the owner of the property had not paid anything towards the mortgage since March 2022.
2. The Respondent was living in the property with her 16 year old daughter and 23 year old son. Her daughter was at college. Her son has now obtained employment.
3. She had been attempting to obtain further accommodation without any success.

4. The Tribunal noted that a Decree had been granted here for repossession of the property in July 2023. The Respondent remained in occupation of a four bedroom property. She was paying a reduced rent.

5. The Respondent was in employment .

6. It was reasonable to evict in the circumstances. Whereas the Tribunal accepted that the Respondent was going to find it difficult to obtain further accommodation the property was more than likely to be currently in negative equity. As each month went by (and on the basis that the owner was not paying the mortgage) the extent of that negative equity was likely to increase.

7. Accordingly the Tribunal granted an order of eviction.

8. The decision of the tribunal was unanimous.

Decision

To grant an order of eviction.

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

21/05/2024

Legal Member

Date