



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/24/0663

Re: Property at 24 Springfield Road, Airdrie, ML6 7DN (“the Property”)

Parties:

Mr Adam Culley, 19 Stewart Gardens, Airdrie, ML6 9AQ (“the Applicant”)

Miss Lynette McGowen, 24 Springfield Road, Airdrie, ML6 7DN (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 7 May 2019 the Applicant let the Property to the Respondent.
2. Rent was originally payable at £525.00 per month, later being increased to £550.00 per month.
3. The Respondent fell in to arrears of rent. A notice to leave was served on the Respondent stating the Applicant was seeking recovery of possession on the basis the Respondent was in arrears of rent over three consecutive months.
4. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
5. The Applicant thereafter presented two separate applications to the Tribunal, one seeking an order for eviction (EV/24/0659) and one seeking an order for payment of rent arrears (CV/24/0663).

6. As at the date of the notice to leave – 15th November 2023 – the arrears amounted to £1,624.75. As at the date of the application to the Tribunal – 8 February 2024 -the arrears of rent amounted to £1,924.75. As at the date of the Case Management Discussion – 1 July 2024 - the arrears of rent amounted to £2,249.75.
7. The Respondent has been in arrears of rent for over three consecutive months.

THE CASE MANAGEMENT DISCUSSION

8. The Applicant did not participate personally in the Case Management Discussion but was represented by Miss V McGuire of Jewel Homes, Coatbridge. The Respondent participated personally.

Rent Arrears

9. The Applicant's representative moved the Tribunal to grant a payment order in relation to rent arrears. Although the arrears had increased from £1,924.75 between the date of the application to the Tribunal to £2,249.75 as at the date of the Case Management Discussion, there was no motion to increase the sum claimed. An order was sought in the sum of £1,924.75 only.
10. The Respondent did not dispute the arrears. Indeed, she accepted the increased amount of £2,249.75 was due. She had no objection to a payment order being made.
11. The Tribunal asked the Respondent if she wished to make an application for a time to pay direction. The Respondent was candid in saying she could not make any proposal at present which would enable the arrears to be cleared within a realistic time frame. In the circumstances, a payment order is made with no time to pay direction relating thereto.

Eviction

12. The Applicant's representative sought an eviction order on the basis of the rent arrears. The Respondent did not oppose this.
13. The Respondent advised that the arrears had arisen mainly due to the fact she was receiving benefits towards her rental payments but there had been a shortfall between the amount received by way of benefits and the actual rent due. Unfortunately, she was unable to make payment of the shortfall.
14. It was explained that, at present, rent is being covered in full by way of benefits. That, however, will change in the near future. The Respondent has two children. Her daughter no longer resides at the Property. Her son will be moving in to his own accommodation soon. When he does, her benefits will reduce, she will no longer receive enough to cover full rent payments and, again, she will not be able to make up any shortfall.

15. The Respondent is already engaging with the local authority and housing associations to secure alternative accommodation. The Property is a three bedroomed home. She is seeking a two bedroomed home now, taking account of the imminent change to the size of her household. She advised she wishes an eviction order to assist the local authority to allocate housing to her.

16. There are no factors indicating it is unreasonable to grant an order for eviction. That being so, and given the Respondent did not oppose the grant of an eviction order, the Tribunal granted an eviction order.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of ONE THOUSAND NINE HUNDRED AND TWENTYFOUR POUNDS AND SEVENTY FIVE PENCE (£1,924.75) STERLING to the Applicant

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.

1 July 2024

Legal Member/Chair

Date