



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/23/4545**

**Re: Property at 29 Culross Way, Moodiesburn, GLASGOW, G69 0QQ (“the Property”)**

**Parties:**

**Mr Iain Beveridge, 9A High Street, Stewarton, KA3 5BP (“the Applicant”)**

**Ms Natasha Hamilton, 29 Culross Way, Moodiesburn, GLASGOW, G69 0QQ (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

At the Case Management Discussion (“CMD”), which took place by telephone conference on 14 August 2024, the Applicant was represented by Ms Stewart of Stewart Residential Limited and was accompanied by the Applicant’s sister, Elaine Beveridge, who is also the heritable proprietor of the Property. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

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

**Background**

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 21 January 2022.
- ii. The rent payable in terms of the PRT is £675 per calendar month.
- iii. On 10 October 2023, the Applicant served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 12 November 2023 on the basis that rent arrears had accrued for July, August and September 2023.

- iv. The Applicant has served on North Lanarkshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

### **The CMD**

At the CMD Ms Stewart for the Applicant and Ms Beveridge made the following representations:-

- i. The current arrears as at the CMD are £6,835.65.
- ii. The only payment received towards rent due since the Notice to Leave was served is a sum of £589 received from Universal Credit during the week of the CMD. The Respondent has made no payments of any sort.
- iii. Three previous applications were made to Universal Credit for payment of the housing element of Universal Credit to be paid directly to the Applicant. Those applications were rejected. A fourth application was granted last month resulting in the payment at ii. above.
- iv. The Respondent lives in the Property with two children aged 10 and 14 years. The children have no vulnerabilities and are at school in the local area.
- v. The Applicant believes that the Respondent works in aesthetics and travels around for that purpose. Her receipt of Universal Credit is under investigation.
- vi. Correspondence has been received from Coatbridge Housing asking for a reference for the Respondent which has been provided. This may indicate she is looking for alternative accommodation.
- vii. There has been no correspondence from North Lanarkshire Council relative to accommodation for the Respondent.
- viii. The Respondent has consistently been in arrears of rent since the tenancy started. She has received constant reminders.
- ix. The Respondent refuses to engage. She avoids being present during inspections and leaves just before the inspection takes place. She never responds to and has blocked telephone calls as well as contact on Facebook and Instagram. She never responds to letters or visits to the Property.
- x. The only pre-action letters sent are those produced with the application. Mrs Stewart was unaware of the templates available on the Scottish Government website.
- xi. The Applicant seeks an eviction order.

### **Findings in Fact**

- i. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 21 January 2022.
- ii. The rent payable in terms of the PRT is £675 per calendar month.
- iii. On 10 October 2023, the Applicant served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 12 November 2023 on the basis that rent arrears had accrued for July, August and September 2023.
- iv. The Applicant has served on North Lanarkshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- v. The current arrears as at the CMD are £6,835.65.
- vi. The only payment received towards rent due since the Notice to Leave was served is a sum of £589 received from Universal Credit during the week of the CMD. The Respondent has made no payments of any sort.
- vii. Three previous applications have been made to Universal Credit for payment of the housing element of Universal Credit to be paid directly to the Applicant. Those applications were rejected. A fourth application was granted in July 2024 resulting in the payment referred to at vi. above.

- viii. The Respondent lives in the Property with two children aged 10 and 14 years.
- ix. The children have no vulnerabilities and are at school in the local area.
- x. Correspondence has been received from Coatbridge Housing asking for a reference for the Respondent which has been provided. This may indicate she is looking for alternative accommodation.
- xi. There has been no correspondence from North Lanarkshire Council relative to accommodation for the Respondent.
- xii. The Respondent has consistently been in arrears of rent since the tenancy started.
- xiii. The Respondent refuses to engage.
- xiv. The Respondent avoids being present during inspections and leaves just before the inspection takes place. She never responds to and has blocked telephone calls as well as contact on Facebook and Instagram. She never responds to letters or visits to the Property.
- xv. It is reasonable, in the circumstances, that an eviction order be granted in favour of the Applicant.

### **Reasons for Decision**

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Ms Stewart and Ms Beveridge at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal considered whether or not it would be reasonable to grant an eviction order under Ground 12 of Schedule 3 of the 2016 Act. The Tribunal determined that it would be reasonable to grant an eviction order for the following reasons:-

- i. The rent arrears accrued are very significant amounting to in excess of 10 months rent.
- ii. The Respondent has been in receipt of Universal Credit and has not passed the housing element thereof to the Applicant.
- iii. Considerable efforts have been made to engage with the Respondent by various methods and she has deliberately ignored and thwarted these attempts.
- iv. Whilst the correspondence sent by Ms Stewart to the Respondent dated 7 June, 10 October and 13 December 2023 does not fully comply with the pre-action protocol requirements, these brief letters do contain signposting to sources of financial advice and support.

### **Decision**

The Tribunal granted an eviction order in favour of 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.**



**Legal Member/Chair**

**14 August 2024**  
**Date**