



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/24/0474

Re: Property at Flat 1/1, 7 Wellmeadow Street, Paisley, PA1 2EF (“the Property”)

Parties:

Mr Azher Hussain, 27 Slaney Road, Walsall, West Midlands, WS2 9AF (“the Applicant”)

Mr Ian Young Wilson, Flat 1/1, 7 Wellmeadow Street, Paisley, PA1 2EF (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 2pm on 6 September 2024, by teleconference. The Applicant was represented on the call by Ms McNiven of Harper MacLeod, solicitors. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case he was experiencing any technical difficulty; but there remained no contact from him.

A copy of the application and intimation of the CMD was served on the Respondent by sheriff officers on 5 August 2024. The Tribunal therefore concluded that he did not intend to oppose the application.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 18 June 2018.
2. In terms of the tenancy agreement, rent at a rate of £100 per week is to be paid on a monthly basis.
3. The Respondent failed to pay the full rent for June 2019 and has been in arrears since then.
4. On 3 August 2023, the Applicant sent the Respondent a letter conforming with the requirements of the pre-action requirements set out by Scottish Ministers for rent arrears cases.
5. Also on 3 August 2023, the Applicant sent the Respondent a notice to leave, stating that he would rely on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
6. On the date of the CMD, the Respondent remained in arrears of rent to at least the sum of £9,899.84.
7. The Respondent has not responded to attempts by the Applicant to engage with him in relation to the arrears.

- Reasons for Decision

8. The Tribunal considered that Ground 12 of Schedule 3 to the Act was satisfied. The Respondent has been in arrears for longer than five years, which is a substantial period of time. The arrears are now significant and the Respondent has not engaged with the Applicant to make a formal arrangement to address them. It is not reasonable to expect a landlord to put up with arrears of this level on the account indefinitely, with no engagement from the tenant and, therefore, no apparent prospect of them ever being addressed.

- Decision

Eviction order granted.

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.

N Young

06/09/2024

Legal Member/Chair

Date