



**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**

Reference number: FTS/HPC/EV/24/0988

Order granted on 30 July 2024.

**Re: Property at 1/2, 4 Helenvale Square, Glasgow, G31 4BP (“the Property”)**

**Parties:**

**LAR Housing Trust, Buchan House, Enterprise WY, Dunfermline, KY11 8LP (“the Applicants”)**

**Jordan Abercromby residing at 1/2, 4 Helenvale Square, Glasgow, G31 4BP (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)  
Leslie Forrest (Ordinary member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) makes an order against the respondent for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of schedule 3 to the 2016 Act.**

**Background**

1. The Applicants sought recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicants lodged with the Tribunal Form E dated 29/02/2024. The documents produced were a Tenancy Agreement; a notice to leave served on 17/11/2023, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicants are the heritable proprietors of the Property.

2. By interlocutor dated 21/03/2024, the application was referred to this tribunal. On 03/06/2024 the First-tier Tribunal for Scotland (Housing and Property Chamber) served notice of referral on both parties, directing the parties to make any further written representations. No further representations were received.

### **Case Management Discussion**

3. A case management discussion took place by telephone conference at 2.00pm on 30 July 2024. The applicants were represented by Ms N Breckaney, solicitor. The respondent was neither present nor represented. The case file discloses that the respondent has had timeous intimation of the date, time, and method of joining the hearing. No application is made for an adjournment. We can justly determine this case in absence of the respondent.

### **Findings in Fact**

4. The Tribunal made the following findings in fact:

(i) The Applicants and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 14/12/2021.

(ii) The rent in terms of the Tenancy Agreement was £550.00 per month.

(iii) Since February 2023 the respondent had not maintained prompt and regular payments of rental. He last paid rent on 11 January 2024. At the date of application there were arrears of rent totalling £2,252. At today's date there are arrears of rental totalling £5,169.50. The respondent has consistently been in arrears of rent for more than three consecutive months since May 2023.

(iv) The respondent remains in the property, where he lives alone. The respondent is a self-employed gas engineer. He says he has a net earned income of approximately 1800 per month. He is in good health and is able to accept an offer of standard accommodation.

(v) The applicants are a charity offering affordable rented accommodation in the social sector. Their financial viability is prejudiced by the amount of arrears of rental accumulated by the respondent.

(vi) The respondent does not resist the application for repossession.

(vii) On 17/11/2023 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. A section 11 notice was served on both the respondent and the local authority by the applicant. On 29/02/2023, the applicants submitted an application to the tribunal.

## **Reasons for the Decision**

5. The Applicants seek recovery of possession of the Property in terms of Ground 12 of schedule 3 to the 2016 Act. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

6. The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in terms of Ground 12 of schedule 3 to the 2016 Act are established. The respondent offers no resistance to the application. For these reasons, the Tribunal determined to grant an Order for possession.

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property against the respondent in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of schedule 3 to the 2016 Act.

## **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

*Paul Doyle*  
Legal Member

30 July 2024