



**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/24/0788**

**Re: Property at 8 Low Crescent, Clydebank, G81 1AF (“the Property”)**

**Parties:**

**WCK Properties Ltd, C/o MAM Property Management Ltd, not provided (“the Applicant”)**

**Ms Jennifer Voy, 8 Low Crescent, Clydebank, G81 1AF (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member) and Helen Barclay (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an Order for Possession in favour of the applicant against the respondent.**

1. This is an application under Rule 109 and Section 51 of the Private Housing (Scotland) Act 2016 for an Eviction Order under Ground 12 of Schedule 3.
2. The applicant is the owner/landlord and the respondent is the tenant.
3. We granted a Payment Order for £4,975.00 in respect of rent arrears accruing from July 2023 in the linked case under reference CV/24/0841.
4. The applicant is the owner/landlord. The respondent is the tenant. The tenancy agreement specifies that £575.00 is due in respect of rent each calendar month, payable in advance.
5. The respondent has accrued rent arrears, as at 9 August 2024, in the sum of £4,975.00 as detailed on the schedule of payments of rent.

6. A two-member Case Management Discussion (CMD) took place at 2pm on 9 September 2024 by teleconference. Mr Miller, appearing for the applicant, joined the hearing.
7. The respondent has failed to engage with the application in any way. We took into account the extent of arrears and the length of time over which they had accrued. We decided to continue with the discussion in her absence after satisfying ourselves that the papers had been properly served on her and that she was notified of today's CMD. We had regard to the overriding objective.
8. At the date of the Case Management Discussion, the rent arrears stood at £4,975.00 as notified to HPC Admin on 12 August 2024.
9. The applicant informed us that he had tried to enter negotiations with the respondent in an attempt to have a rent repayment schedule agreed but she had failed to respond in any meaningful way. Sporadic payments were made but nothing that reduced the arrears to a tolerable level.
10. The respondent lives with her pre-school child. She has had discussions with the local authority who will house her after the Order is granted.
11. The applicant is entitled to the payment of rent. Significant rent arrears have accrued over a significant period of time with no real prospect of repayment within a reasonable timeframe.
12. The amount of rent arrears is £4975.00. The respondent is working part time and cannot afford the rent after her partner moved out in July 2023.
13. Having considered all of the information before us, individually and together, we decided to grant an Order for Possession as it was reasonable to do so in all the circumstances.

## **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.**

**L-A.Mulholland**

**Legal Member/Chair**

— **Date: 9<sup>th</sup> September 2024**

