



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/24/0868

Re: Property at 38D Whitecrook Street, Glasgow, G81 1QR (“the Property”)

Parties:

Mr Tommy Doyle, 395/1 Kilbowie Road, Clydebank, G81 2TX (“the Applicant”)

Mr Matthew Kerr, 38D Whitecrook Street, Glasgow, G81 1QR (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought to evict the Respondent from the property.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 1 August 2024 informing both parties that a CMD had been assigned for 5 September 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondent was invited to make written representations by 22 August 2024. No written representations were received by the Tribunal.

The case management discussion – 16 August 2024

4. The CMD took place by conference call. The Applicant was represented by Mr Stephen McGlone. The Respondent joined the call and was represented by Mr Jim McLaren. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that the Respondent has been making payments towards the rent account of approximately £110 per month. As a result, the rent arrears have increased and the balance now due is £3,600. The Respondent's representative advised that the Respondent accepts the level of rent arrears and is not opposed to an order for eviction being granted. The Respondent lives alone at the Property and does not have any dependents. He is no longer in employment and is in receipt of universal credit. Although there is a housing element paid in relation to that benefit, the Respondent has not been paying that portion of his benefit payment to the Applicant. The Respondent has been in contact with the local authority and has been told that the Respondent cannot be rehoused unless an eviction order has been granted.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 24 September 2018.
6. The Applicant served Notice to Leave on the Respondent by email on 26 October 2023.
7. The Respondent has been in arrears of rent arrears for more than 3 consecutive months.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondent accepted that he has incurred rent arrears. The Tribunal was satisfied that ground 12 was established. The Respondent did not oppose the application for an eviction order. The Tribunal noted that the rent arrears have increased significantly since the application was submitted. Notwithstanding that the Respondent is in receipt of universal credit, he has not paid the housing element of his benefit to the Applicant. For these reasons, the Tribunal was satisfied that it was reasonable to grant the order for eviction.

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.

Nicola Irvine

Legal Member/Chair

5 September 2024

Date