



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/1319

Re: Property at 15 Boswell Drive, Blantyre, Lanarkshire, G72 0LG (“the Property”)

Parties:

Mrs Mary Marshall, 19 Cullycaple Road, Aghadowey Coleraine BT51 4AR, Coleraine, BT51 4AR (“the Applicant”)

Mr John Pew, 15 Boswell Drive, Blantyre, Lanarkshire, G72 0LG (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. The Applicant submitted an application under rule 65 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) 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 applications under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 16 August 2024 informing both parties that a CMD had been assigned for 19 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 6 September 2024. No written representations were received by the Tribunal.

The case management discussion – 19 September 2024

4. The CMD took place by conference call. The Applicant was represented by Miss Pauline Barr. The Respondent did not join the conference call, and the discussion proceeded in his absence. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that the Respondent lives alone at the Property and it is understood that he does not have any dependents. The rent arrears have increased since the application was submitted and the sum now due is £7,000. The last payment towards the rent account was in October 2023. The Respondent made contact with the Applicant's representative yesterday to advise that he intends to vacate the Property on 23 September 2024.
5. The Tribunal adjourned briefly to consider the information provided by the Applicant's representative. The Tribunal explained that it found that grounds 11 and 12 had been established. It also found that it was reasonable to grant the order.

Findings in Fact

6. The parties entered into a short assured tenancy which commenced 31 July 2017.
7. On 15 February 2024, the Applicant served a form AT6 on the Respondent by sheriff officer.
8. The Respondent persistently delayed in paying rent.
9. Some rent which was lawfully due by the Respondent was unpaid at the time the form AT6 was served and at the time the application was made.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents and the submissions made at the CMD. The Respondent did not join the conference call and did not lodge any written submissions. The rent statement produced demonstrated that rent has not been paid since October 2023 and the arrears are now substantial. There was no information to suggest that the Respondent disputed the accuracy of the rent statement. The Respondent's primary obligation is to pay rent and they have failed to meet that obligation for many months. The Tribunal was satisfied that grounds 11 and 12 were established. Given that the

Respondent has failed to engage with the Applicant in relation to payment of rent, the Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent from the property.

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

19 September 2024

Date