



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/24/1696

Property : Flat 1/2, 77 Causeyside Street, Paisley PA1 1YU (“Property”)

Parties:

Inderbir Singh, 66 Fulbar Crescent, Paisley PA2 9AS (“Applicant”)

Karen Ann Wilson, Flat 1/2, 77 Causeyside Street, Paisley PA1 1YU (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Private Tenancy Agreement which commenced on 5 December 2017; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 28 February 2024 ("Notice to Leave") with covering letter to the Respondent; statement of rent arrears; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with certificate of posting dated 15 April 2024 and sheriff officer's execution of service certifying service of the Application on the Respondent on 12 December 2024.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 3 February 2025 by teleconference. The Applicant was in attendance. There was no appearance by or on behalf of the Respondent.

Mr Singh told the Tribunal that there had been no recent contact with the Respondent. He said she lived in the Property alone although he understood from neighbours that

she may have a partner live there on occasion. He said that he understood she also spent time living with her daughter and son-in-law but he did not know if that was a permanent arrangement.

Mr Singh confirmed that the payment of £350 per month towards the rent was paid by housing benefit. The Tribunal asked why the arrears had not been pursued before now. Mr Singh said that at first it did not seem like a large monthly deficit but now the cumulative figure was substantial.

The Tribunal asked about service of the Notice to Leave. Mr Singh said his sibling prepared the first notice which had the wrong date in part 4. He said he noted this when he was scanning the notice and he prepared and served a fresh one with the correct date. Mr Singh said that he had a portfolio of 4 properties and had served a notice to leave for another property.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 5 December 2017.
2. The Notice to Leave was served by hand delivery on 28 February 2024.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 15 April 2024.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order

Decision

The Tribunal grants an order for possession of 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.

Legal Member: Joan Devine

Date: 3rd February 2025