



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/24/3726

Re: Property at Flat 2/3, 11 Maxwellton Street, Paisley, PA1 2TZ (“the Property”)

Parties:

G3R Properties Ltd, 18 Moorhill Road, Newton Mearns, Glasgow, G77 6BW (“the Applicant”)

Mr Patrik Wiedemann, FLAT 2/3, 11 Maxwellton Street, Paisley, PA1 2TZ (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”) which took place by telephone conference on 13 March 2025, Mrs Rukhsana Rehman, Director of the Applicant was in attendance and the Applicant was represented by Mrs Rehman’s son, Mr Taimoor Rasool. The Respondent was not present or represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The CMD was also in respect of the related case bearing reference FTS/HPC/EV/24/2647.

Prior to the CMD Mrs Rehman on behalf of the Applicant had lodged documents by emails dated 28 February and 9 March 2025.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.

- ii. The application concerns a Private Residential Tenancy ("PRT") entered into between the parties relative to the Property that commenced on 26 January 2022.
- iii. On 10 June 2024, the Applicant served on the Respondent a Notice to Leave requiring the Respondent remove from the Property by 11 July 2024 on the basis of Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act"), namely that rent arrears had accrued over three consecutive months. The arrears then due were £800.
- iv. The Applicant has served on Renfrewshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

In response to questions from the Tribunal Mr Rasool made the following oral representations:-

- i. As at the CMD the arrears due by the Respondent total £600.
- ii. An email was received from the Respondent a few days ago indicating he will pay £300 this month and £300 next month.
- iii. The Respondent works for Uber Eats as a delivery driver.
- iv. Mr Rasool's father gave him the tenancy of the Property and managed the Property until he died. Since then the arrears have accrued.
- v. The Respondent lives alone.
- vi. It is not known if he is in receipt of any state benefits.
- vii. He has no disabilities.
- viii. With regard to the pre-action protocols, Mr Rasool accepted that the required correspondence was not issued prior to the application being made but letters have subsequently been sent in appropriate terms and a payment agreement was reached with the Respondent in October 2024 which he signed but has not adhered to. The period for payment of the arrears in terms of that agreement has expired.
- ix. The Applicant has three other properties rented out. There are no mortgages over the properties.

The Tribunal stated that the arrears, whilst continuous to one extent or another over a prolonged period, are modest in value and the Tribunal required to be persuaded that it is reasonable to issue an eviction order.

The Tribunal adjourned to consider the position.

Reasons for decision

The Tribunal noted the Respondent to have been in arrears in payment of rent over a prolonged period with the arrears balance last being at the nil in February 2024 and the highest value the arrears had subsequently reached being £1600 in October 2024. Whilst it may be that the Respondent has paid the monthly rent together with additional payments of £300 towards the arrears in each of January and February 2025 due to these proceedings, nevertheless it remains the position that the arrears are of very modest value and the Tribunal was not persuaded that it would be reasonable to grant an eviction order against that backdrop. Accordingly, the application is refused.

Decision

Application refused.

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.

Gillian Buchanan

Legal Member/Chair

13 March 2025

Date