



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/24/3441

Re: Property at 123 Bangorshill Street, Glasgow, G46 8LU (“the Property”)

Parties:

MN Property Limited, 4 Deaconsview, Glasgow, G46 7UW (“the Applicant”)

Mr Mark Heron, 123 Bangorshill Street, Glasgow, G46 8LU (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Elaine Munroe (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 29 January 2025 informing both parties that a CMD had been assigned for 10 March 2025 at 10am, 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 19 February 2025. No written representations were received by the Tribunal.

The case management discussion – 10 March 2025

4. The CMD took place by conference call. The Applicant was represented by Mr Atif Ahmed. The Respondent joined the call and represented himself. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that payment of housing benefit was suspended for a period of time, and consequently, no rent was paid from May to September 2024. Universal credit is now in payment and £61 per month is paid towards arrears of rent. The rent arrears currently due amount to £5,789.41. The Respondent explained that he did not oppose the application for an eviction order. He had been unaware that there was such a big shortfall between the payment of housing benefit and the rent payment due. He had therefore been unaware that significant rent arrears had been accruing. He lives in the Property with his partner and adult daughter and is not currently in employment. He has concluded that the tenancy is not affordable. He has been in contact with the local housing association but has been told that they cannot identify alternative accommodation unless an eviction order is granted.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 19 July 2019.
6. The Applicant served Notice to Leave on the Respondent by sheriff officer on 15 March 2024.
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 there were rent arrears and did not oppose the application for an eviction order. The Respondent's position is that the tenancy is unaffordable. Although he does not have alternative accommodation, he has been in touch with the local authority and was told that alternative accommodation could not be identified unless and until an eviction order was granted. In these circumstances, the Tribunal was satisfied that the ground for eviction was established and 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

10 March 2025

Date