



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/24/3329

Re: Property at 14 McKinlay Avenue, Balloch, G83 8HH (“the Property”)

Parties:

Mr Robert Stevenson, 53 Buchanan Avenue, Balloch, G83 8DY (“the Applicant”)

Miss Nicole Law, 14 McKinlay Avenue, Balloch, G83 8HH (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Elaine Munroe (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 to evict the Respondent from the property.

Background

1. The Applicant submitted an application under Rule 65 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.

4. On 20 February 2025, the Tribunal received an email from the Respondent indicating that she needed more time to find someone to represent her.

The case management discussion – 10 March 2025

5. The CMD took place by conference call. The Applicant was represented by Mr Stuart Barriskell and he was accompanied by his colleague, Claire Morrison. The Respondent did not join the call, and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that universal credit paid rent from October 2023 to March 2024 and then stopped. The Respondent paid rent in May 2024, and nothing has been paid to the rent account since then. Consequently, the rent arrears have increased to £6,720. The Respondent has not made any proposals to pay the rent arrears or the ongoing rent. There has been no contact from the Respondent. The Applicant's representative has been in touch with the local authority to keep them advised about these proceedings. It is not known whether the Respondent has been in touch with the local authority. The Respondent is believed to live in the Property with 2 children and her employment status is unknown to the Applicant.

Findings in Fact

6. The parties entered into a short assured tenancy which commenced 2 February 2017.
7. The Applicant served Notice to Proceedings (form AT6) on the Respondent by recorded delivery post on 3 July 2024.
8. The Respondent has been persistently late in paying rent which was lawfully due.
9. Some rent lawfully due by the Respondent was unpaid at the date these proceedings began and at when the notice of proceedings was served.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon grounds 11 and 12 of the Housing (Scotland) Act 1988. There was nothing to indicate that the Respondent disputed the accuracy of the rent statement. The rent arrears are substantial and equate to 14 months' rent. Payment of rent is the Respondent's primary obligation in terms of the tenancy agreement. She does not appear t

have met that obligation and the tenancy appears to be unaffordable. In these circumstances, the Tribunal was satisfied that the grounds 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