

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/2958

Re: Property at 6/21 220 Wallace Street, Glasgow, G5 8AL (“the Property”)

Parties:

DHB (Glasgow) Ltd, 17 Fleurs Avenue, Glasgow, G41 5AR (“the Applicant”)

Mr Modupe Komolafe, 6/21 220 Wallace Street, Glasgow, G5 8AL (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 27th June 2024. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on grounds 12 and 12A of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 15th February 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 24th March 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 8th March 2025.
3. On 4th March 2025, the Applicant’s representative emailed the Housing and Property Chamber requested the amount sought be increased to £15300 for

the conjoined application. A rent account was attached for the period 10th January 2023 to 10th February 2025.

4. On 20th February 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 20th February 2025.
5. The case was conjoined with case FTS/HPC/CV/24/2960. The group reference is FTS/HPC/GP/24/0560.

The Case Management Discussion

6. A CMD was held on 24th March 2025 at 10am by teleconferencing. The Applicant was represented by Ms Jenny Rogerson, trainee solicitor, Jain, Neil & Ruddy solicitors. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
7. Ms Rodgeron said that there has been no contact from the Respondent since 29th May 2024. He had emailed to say that he was waiting for his visa to come through within the following 12 weeks. He said then that he would leave once he had got his visa. She said that the Applicant understood that the Respondent was still in the Property. This information had come from other residents in the block of flats. There were no concerns about the wellbeing of the Respondent and she was not aware of any health issues that he might have. She did not believe that there were any outstanding benefits issues.
8. The Tribunal was satisfied that it was appropriate to grant an order for eviction and that there were no issues of reasonableness preventing an order being granted.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 10th November 2022.
10. The Respondent persistently failed to pay his rent charge of £850 per month. The rent payments are due to be paid on tenth day of each month.
11. There have been no payments since 10th December 2023.
12. Arrears accrued to more than one months rent payment at the date of application and was more than three months rent payments at the date of the hearing.
13. There are no known outstanding Universal Credit Housing Element issues.
14. The arrears sought in the conjoined application totalled £8500 which was amended to be increased to £15300. The current level of arrears is currently £16150 as the latest month rent charge has not been paid. The Tribunal was

satisfied that the Respondent had been aware that a higher amount was being sought in the application.

15. There are no issues of reasonableness that prevent an order from being granted.

Decision

16. The Tribunal found that ground 12 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

24th March 2025

Legal Member/Chair

Date