



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Reference number: FTS/HPC/EV/24/3154

Order granted on 7 April 2025 in absence of the Respondent

Property: 3-1, 10 Clarence Street, Paisley, PA1 1PT

Parties:

YCKH Property Investment Ltd, a company incorporated under the Companies Acts and having their registered office at 39 Whetstone Road, Farnborough, England, GU14 9SX ("the Applicant")

Ms Ann Marie Silver, residing at 3-1, 10 Clarence Street, Paisley, PA1 1PT ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)

Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

Background

The Applicant sought recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, a Notice to leave, served on 8 May 2024, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 10am on 7 April 2025. The Applicant was represented by Ms A Linden of Dragon Property Letting. The respondent was neither present nor represented. The case file reveals that the respondent has had adequate notice of the time, date and method of joining the hearing. No application is made for adjournment. We can justly determine this application in the respondent's absence.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy Agreement for the Property dated 3 May 2022.
2. The rent in terms of the Tenancy Agreement was £475 per month.
3. The Respondent has not paid any rent since July 2023. At the date the application was submitted there were arrears of rent totalling £8,422.26, which is more than 3 months' rent. Today there are still arrears of rental totalling £10,450.00.
4. On 8 May 2024 the Applicant served a notice to leave on the Respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 9 June 2024, the Applicant submitted this application to the tribunal.
5. The Applicant seeks recovery of possession of the Property in terms of Ground 12 of part 3 of schedule 3 to the 2016 Act. The rental was almost 18 months in arrears at the date the application was submitted. Rental is now 22 months in arrears.
6. The Respondent might have vacated the property, but she has not returned the keys, nor has she formally surrendered the tenancy. The Respondent has chosen not to provide any of her details to the tribunal and does not explain why significant arrears of rental have accumulated.
7. The Respondent lives alone in the property. She has not engaged with the Applicant and has chosen not to explain why she has amassed significant arrears of rental. There are no known delays or failures in the payment of benefits, and the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers.
8. The Respondent does not resist the application for repossession. It is not argued that it is unreasonable to grant an order for repossession of the property.

Reasons for the Decision

9. The Applicant seeks recovery of possession of the Property in terms of Ground 12 of schedule 3 to the 2016 Act. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

10. The Tribunal makes an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in terms of Ground 12 of schedule 3 to the 2016 Act is established.

11. The Respondent offers no resistance to the application. In all the circumstances, it is reasonable to grant an order for possession.

12. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Legal Member

Paul Doyle

Date: 7 April 2025