



**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 (Act)**

Chamber Ref: FTS/HPC/EV/24/3543

Parties

**Stella Homeland Limited, Company (Applicant)
Ms Siobhan Donald (Respondent)**

Corbett and Shields (Applicant's Representative)

Flat 3-1 113 Wellington Street, Greenock, PA15 4DX (House)

Tribunal Members:

Alan Strain (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application for eviction and recovery of possession be granted.

Background

This is an application under Rule 109 and section 51(1) of the Act for eviction and recovery of possession on Ground 12 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 2 August 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 24 April 2023;
3. Notice to Leave dated 20 June 2024 served by email of the same date;
4. Section 11 Notice to Local Authority served by email dated 20 June 2024;
5. Rent Arrears Statement as at 2 August 2024;
6. Pre Action Correspondence;
7. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 21 February 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 31 March 2025. The Applicant did not participate but was represented by Ms Weston, Letting Agent. The Respondent participated and represented herself.

The Applicants' Representative informed the Tribunal that the amount of arrears had increased to £3,001.55. An order was only sought for £1,343.57 as that was the amount in the application form.

The Respondent informed the Tribunal that the flat was in a state of disrepair, there were holes in the wall, the flat was not airtight, it was cold and there had been no hot water for the shower for the duration of the tenancy. She had not informed the Applicant of any withholding of rent but maintained that she had advised of the need for repairs. She accepted that there were in the region of £1,900 arrears at the moment.

The Respondent is a full time student in receipt of a bursary. She felt that the condition of the Property along with the stress of the current proceedings was having a detrimental impact on her mental health.

The Applicant's Representative submitted that it was reasonable to grant the eviction order. The Applicant is a limited company and has a mortgage over the Property to maintain. The state of the Property was disputed.

The Tribunal had regard to Ground 12 of Schedule 3 to the Act which provides:

Rent arrears

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 24 April 2023;
2. The monthly rent was £350 up to the end of July 2024;
3. Notice to Leave had been served on the Respondent by email on 20 June 2024;
4. As at the date of service of the Notice to Leave the Respondent was in arrears of rent and had been in arrears for a continuous period of three or more consecutive months;

5. As at the date of the CMD the Respondent agreed she was in arrears of rent in the region of £1,900;
6. The rental arrears were not due to any delay or failure in the payment of a relevant benefit;
7. PARS correspondence had been issued to the Respondent;
8. Section 11 notification had been served on the local authority;
9. The Respondents a single person with no dependents in the Property;
10. The Applicant is a limited company with a mortgage over the Property;
11. It was reasonable to issue an eviction order in the circumstances.

The Tribunal was satisfied that Ground 12 had been established and it was reasonable to grant the application for eviction and recovery of possession in the circumstances.

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.

Alan Strain

31st March 2025

Legal Member/Chair _____

Date