



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 54(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/3722

Re: Property at 66 Millstream Court, Paisley, PA1 1RR (“the Property”)

Parties:

Mrs Carol Purse, 88 Oak Wynd, Glasgow, G72 7GT (“the Applicant”)

Mr Robert Hartley, 66 Millstream Court, Paisley, PA1 1RR (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property.

Background

1. By application dated 25 September 2024 the Applicant’s representatives, Landlord Agents Ltd, Edinburgh applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant submitted a copy of a tenancy agreement, Notice to Leave with execution of service, Section 11 Notice, a rent statement and a pre-action protocol letter together with other documents in support of the application.
2. By Notice of Acceptance dated 1 November 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 14 March 2025.

The Case Management Discussion

4. A CMD was held by teleconference on 22 April 2025. The Applicant did not attend but was represented by Mr Jeff Livingstone from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation of the CMD had been given to the Respondent determined to proceed in his absence.
5. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 15 December 2017 at a rent of £450.00 per calendar month. Mr Livingstone advised the Tribunal that the Respondent had failed to pay any rent since the previous landlord, the Applicant's husband, Thomas James Purse, had died in August 2022 and that the arrears of rent now stood at £19555.00. Mr Livingstone also advised the Tribunal that the Respondent had stopped all communication with the Applicant and her representatives.
6. The Tribunal also noted that the Respondents had been served with a Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act by personal service on 27 June 2024 and that a Section 11 Notice had been sent to Renfrewshire Council by email on 13 August 2024. The Tribunal also noted that a pre-action requirement letter had been sent to the Respondent on 21 May 2024 and that the Applicant had inherited the property following the death of her husband in August 2022.
7. Mr Livingstone advised the Tribunal that the Respondent had been a good tenant up until the death of the Applicant's husband but that since that time had failed to pay rent or engage with the Applicant or her representatives. Mr Livingstone said that he understood the Respondent to be single, aged 59 and as far as he was aware in employment
8. Mr Livingstone confirmed he was seeking an order for eviction.

Findings in Fact

9. The Respondent commenced a Private Residential Tenancy of the property on 15 December 2017.
10. The Applicant became the landlord of the property following the death of her husband Thomas James Purse on 7 August 2022
11. A Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act was served on the Respondent on 27 June 2024.

12. A Section 11 Notice was sent to Renfrewshire Council on 13 August 2024.
13. The Respondent has not paid any rent for the property since July 2022.
14. The Respondent currently owes rent amounting to £19555.00.
15. A pre-action protocol letter was sent to the Respondent on 21 May 2024.
16. The Respondent has failed to communicate with the Applicant or her representatives since the death of the Applicant's husband in July 2022.
17. The Respondent lives alone in the property.
18. The Applicant's representative believes the Respondent may be in employment.

Reasons for Decision

19. The Tribunal was satisfied from the documents submitted and the oral submissions of the Applicant's representative that the parties entered into a Private Residential tenancy that commenced on 15 December 2017. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 12 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Renfrewshire Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the Applicant's representative's oral submissions that the Respondent has failed to engage with the Applicant or her representatives since the death of the Applicant's husband in August 2022 and has stopped paying rent since that time thus accruing very substantial rent arrears amounting to £19555.00.
20. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be made. In reaching a decision on reasonableness the Tribunal noted that despite being given an opportunity to submit written representations and to attend the CMD the Respondent chose to do neither. The Tribunal also took account of the failure of the Respondent to communicate with the Applicant or her representatives following the death of the previous landlord and the huge amount of rent arrears that has accrued. In the absence of any explanation from the Respondent the Tribunal is satisfied that it is reasonable to grant the Applicant an order for the eviction of the Respondent from the property.

Decision

21. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing, finds the Applicant entitled to an order for the eviction of the Respondent from the property.

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.

**Graham Harding
Legal Member/Chair**

**22 April 2025
Date**