

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/25/0104

Re: Property at 24 Linister Crescent, Howwood, Renfrewshire, PA9 1DS (“the Property”)

Parties:

Mr David Hutton, 12 St Winnoc Road, Lochwinnoch, PA12 4ET (“the Applicant”)

Mr Gary Adam, 24 Linister Crescent, Renfrewshire, PA9 1DS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted against the respondent

Introduction

This is an application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 1 April 2024.

The CMD took place by teleconference on 3 June 2025 at 2.00 pm. The applicant joined and was represented by Miss Jennifer McMillan, Lettings Manager, of Pacitti Jones Solicitors. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 24 Linister Crescent, Renfrewshire PA9 1DS. The applicant is Mr David Hutton who is the heritable proprietor of the property and the registered landlord. The respondent is Mr Gary Adam. The parties entered into a private residential

tenancy in respect of the property which commenced on 1 April 2023. The rent was stipulated at £895 per month.

The applicant relies upon ground 4 of schedule 3 to the 2016 Act. This specifies that it is an eviction ground where the landlord intends to live in the property. The applicant further relies upon ground 12 of schedule 3 to the 2016 Act, namely that the respondent is in rent arrears over three consecutive months.

Two notices to leave were served upon the respondent by email, one for each ground. The ground 4 notice to leave is dated 9 September 2024. Later, due to non-payment of rent, a further ground 12 notice to leave dated 4 December 2024 was served. The required statutory notice periods of 84 and 28 days respectively were given. .

The applicant seeks possession of the let property to live in due to his change in circumstances. He has fully set out his circumstances in a statement contained within an email dated 14 April 2025. His position is unchallenged. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The tribunal was satisfied on the basis of the credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property. The respondent has not opposed to the application.

The application is supported by a detailed rent statement. The tribunal found this a credible and reliable document and attached weight to it. The arrears have now increased to £8,550 as at the date of the hearing. No rent has been paid since September 2024. It is not reasonable that the applicant continue to make the property available for the respondent in the absence of rent being paid.

The applicant is evidenced to have complied with the pre-action protocol requirements relative to the rent arrears.

The respondent has taken no steps to oppose the application. He is known to have been working but has failed to engage in communications with the applicant's agent for some time so his current circumstances are unknown. He is single and lives in the property alone. He has no known vulnerabilities.

A Section 11 notice has been issued to the relevant local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.

R.Mill

3 June 2025

Legal Member/Chair

Date