

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(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/23/2807

Re: Property at 97 Bow Road, Greenock, PA16 7DY (“the Property”)

Parties:

McTaggart and Disselduff LTD, 9 Duff Street, Greenock, PA15 1DB (“the Applicant”)

Ms Leeanne Campbell, 97 Bow Road, Greenock, PA16 7DY (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Frances Wood (Ordinary Member)

Decision

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

- Background

The applicant applied to the tribunal for an order seeking eviction of the respondent from the property. The application was made in respect of outstanding rent arrears over a consecutive period of three months or more.

Case management discussions were held on 12th January 2024, 2nd April 2024 and 22nd August 2024 and 11th November 2024.

At the case management hearing on the 11th of November 2024 the respondent accepted that the grounds were made out but at disputed whether it was reasonable to evict her.

Prior to the evidential hearing that took place on the 17th of June 2025 no further documentation was lodged by the respondent. The applicant lodged further documentation showing that the rent arrears on the property had increased to the

sum of £1929.34. The figure of outstanding arrears at 11th November 2024 was £1517.24.

- The Hearing

At the hearing Ms McTaggart attended on behalf of the applicant and Ms Anderson for the respondent.

Ms Anderson indicated that she was now consenting on behalf of the respondent to an order of eviction being granted but that she sought a delay in the implementation of that decree for a period of eight weeks. The respondent accepted she was under-occupying the property, did not wish to stay there longer-term and was actively engaged with Inverclyde Council Homelessness Services in respect of re-housing.

Ms McTaggart objected to that. It was noted on behalf of the applicant that this property was, along with others, to be sold as part of a portfolio with a proposed settlement date of the 12th of August 2025. The prospective owner required vacant possession and although she acknowledged the applicant had not proceeded on Ground 1, it was relevant to reasonableness and for the Tribunal to be aware.

It was also noted that there were increased arrears in respect of the property from the time of the last case management discussion which had been evidenced by an up to date rent statement. That was despite the applicant being in receipt of sufficient benefits to pay the whole of the rent together with a payment towards arrears which had been the subject of an agreement.

The applicant had not lodged any supporting documentation regarding her own health problems or that of her daughter.

- Findings in Fact

- (1) That the parties entered into a private residential tenancy agreement for the respondent to rent the property at 97 Bow Rd Greenock.
- (2) At the case management discussion that was held on the 11th of November 2024 rent was outstanding in the sum of £1517.24
- (3) The rent was due to be paid at the rate of £600 per month
- (4) Rent arrears had increased so that at the time of the hearing rent arrears now stood at £1929.34.
- (5) The applicant had been given sufficient opportunity to bring down the rent arrears but had failed to do so.
- (6) Rent arrears had existed for significantly more than three consecutive months.

- Reasons for Decision

The decision wrested? solely with the issue of delaying the date of eviction. The respondent sought to delay the eviction by a period of eight weeks. The applicant sort eviction in the usual course. It was noted that the first case management discussion had taken place on the 12th of January 2024 and that the applicant had

been given a significant period of time in which to bring down rent arrears. She had failed to do so. She could not afford the property and did not wish to remain there in the longer-term. She was actively engaged with Homelessness Services and any delay in execution could simply delay the point at which she was offered re-housing. In these circumstances the tribunal granted an order for eviction without further delay

- Decision

To grant an order of eviction

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.

Mark Thorley

17 June 2025

Legal Member/Chair

Date