

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

Chamber Ref: FTS/HPC/EV/24/5182

Re: Property at 17 3/2 Cornhaddock Street, Greenock, PA15 4HP (“the Property”)

Parties:

SNEB Ltd, Ground Floor Finchale House, Belmont Business Park, Durham, DH1 1TW (“the Applicant”)

Mr Trevor McGarrity, 17 3/2 Cornhaddock Street, Greenock, PA15 4HP (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 29 March 2025 informing both parties that a CMD had been assigned for 1 July 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision

today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 19 April 2025. No representations were received.

The case management discussion – 1 July 2025

4. The CMD took place by conference call. The Applicant was represented by Miss Mary Sellar. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/24/5179. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that rent arrears have increased from £5,640 when this application was submitted to £7,515. The Respondent makes sporadic payments towards the rent account, most of which do not cover the ongoing rent due. The last payment made by the Respondent was on 11 June 2025. The Applicant's representative has contacted the Respondent on many occasions, and the Respondent has promised to pay ongoing rent and to make an arrangement to repay the arrears, but that has not come to fruition. The Respondent is believed to live alone at the Property and he is in full time employment. The Applicant has no information to suggest that the Respondent is entitled to benefits and there is no indication that the Respondent suffers any vulnerabilities.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 25 May 2022.
7. The Applicant served Notice to Leave on the Respondent by email on 20 June 2024.
8. The Respondent has been in rent arrears for more than 3 consecutive months.

Reason for Decision

9. The Tribunal took into account the application and supporting papers and the submissions made at the CMD. The Tribunal was satisfied that it could reach a decision on the application without a hearing under Rule 18 of the Rules and make relevant findings in fact based on the information provided by the Applicant. The Tribunal did not identify any issues to be resolved in this case that would require a hearing to be fixed.

10. Having considered the application and supporting papers, the Tribunal accepted that the Respondent had been given a notice to leave which complied with the provisions of sections 52, 54 and 60 of the 2016 Act. The Tribunal therefore went on to consider whether ground 12 had been met in this case.
11. There was no information before the Tribunal to suggest that the rent statement was not accurate. The Respondent has consistently been in arrears of rent since January 2023. The Tribunal was satisfied that the ground for eviction was established.
12. The Tribunal considered whether it was reasonable to grant the order for eviction. The Applicant had complied with the pre-action protocol. The Respondent did not join the conference call, nor did he lodge any written representations. The rent arrears have increased significantly since this application was submitted. The Respondent has not made any proposal to the Applicant to pay the ongoing rent or the arrears. There was no information to suggest that the Respondent is in receipt of housing benefit. The tenancy appears to be unaffordable to the Respondent. Taking account of these factors, the Tribunal found that it was reasonable to grant the order for 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.

Nicola Irvine

Legal Member/Chair

1 July 2025
Date