

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

Chamber Ref: FTS/HPC/CV/24/4636

Re: Property at 33 Aberfoyle Street, Flat 0/2, Glasgow, G31 3RW (“the Property”)

Parties:

Wolfram Ltd, Flat 7/1 336 Meadowside Quay Walk, Glasgow, G11 6AW (“the Applicant”)

Miss Samantha Mcilroy, 33 Aberfoyle Street, Flat 0/2, Glasgow, G31 3RW (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order be granted against the Respondent for payment to the Applicant the Sum of Two Thousand and Fifty Pounds (£2,050)

Introduction

1. These are linked applications between the same parties. The first application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The second application seeks a payment order relating to arrears of rent and is under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. Service of the applications and intimation of the Case Management Discussions (CMDs) were effected by Sheriff Officers on the respondent on 1 April 2025.
3. The CMD hearing in both cases took place by teleconference on 20 June 2025 at 2.00 pm. The applicant was represented by Mr Paclawski of Guardian Lettings and Sales Ltd. The respondent failed to join the hearing.

Findings and Reasons

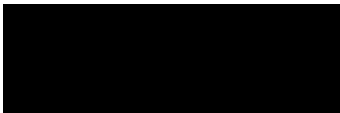
4. The property is Flat 0/2, 33 Aberfoyle Street, Glasgow G31 3RW. The applicant is Mr Roy Wolfin acting on behalf of Wolfram Ltd who is the heritable proprietor and registered landlord. The respondent is Miss Samantha Mcilroy who is the tenant. A private residential tenancy was entered into between the parties which commenced on 21 February 2023. The rent stipulated was £500 per month.
5. The respondent has fallen into significant arrears of rent throughout the subsistence of the duration of the lease. The applications are accompanied by a rent statement which discloses that as of 4 October 2024, when the applications were submitted, the sum of £2,050 was outstanding as at 21 September 2024. The applicant is entitled to recover arrears of rent due under and in terms of the written lease between the parties. The Tribunal therefore granted a payment order against the respondents in the sum of £2,050. There is no opposition by the respondent and no time to pay direction application has been made by the respondent.
6. The eviction proceedings are based upon the arrears of rent and the ground relied upon is ground 12 of Schedule 3 to the 2016 Act, namely that the respondents are in rent arrears over three consecutive months. The required notice period at the time the notice to leave was served upon the respondent was one of 84 days.
7. The Tribunal found that the notice to leave to be valid. It is dated 30 August 2024. This states that an application will not be submitted to the Tribunal for an eviction before 1 October 2024. A Sheriff Officer's execution evidences that the notice to leave was served upon the respondent on 30 August 2024. The necessary statutory notice period was given to the respondent.
8. The Tribunal was satisfied that more than three consecutive months of rent was outstanding at the time that the notice to leave was served and also remains unpaid by the respondent today. This establishes ground 12. The Tribunal proceeded to consider the issue of reasonableness.
9. The applicant is adversely affected financially by the absence of rent being paid. The rent arrears are significant. Throughout the time that the applications have been pending the arrears have increased. The arrears now outstanding are in the sum of £5,050. It is unreasonable to require the applicant to continue to provide accommodation to either respondent in the absence of rent being paid.
10. The respondent has not opposed the application for eviction. She has no known vulnerabilities or disabilities.
11. There is evidence that the local authority has been advised of the eviction proceedings with a relevant section 11 notice having been issued by the applicant. In the event of an eviction order being granted the local authority has an obligation to make alternative accommodation available to the respondent.

12. The Tribunal found that the rent arrears pre-action requirements have been adequately fulfilled by the applicant.

13. In all of the circumstances, the Tribunal determined it was reasonable to grant the eviction order sought by the applicant.

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.



Legal Member/Chair

20 June 2025

Date