

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/25/0551

Re: Property at 2/1, 35 Morar Drive, Paisley, PA2 9BB (“the Property”)

Parties:

NAM Real Estate Ltd, 3 Garrity House, Miners Way, Aylesham, Canterbury, Kent, CT3 3BF (“the Applicant”)

Grzegorz Pasternak, 2/1, 35 Morar Drive, Paisley, PA2 9BB (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 10th February 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 27th May 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 14th July 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 17th June 2025.

3. On 29th May 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 29th May 2025.
4. On 8th July 2025, the Applicant's representative emailed the Housing and Property Chamber requesting the amount sought be increased to £6060 still with interest 4% per annum for the conjoined payment case and for the Respondent to pay expenses of £1365.24 under Rule 40. This was notified to the Respondent by the Applicant's representative by email.
5. The case was conjoined with case FTS/HPC/CV/25/0380

The Case Management Discussion

6. A CMD was held on 14th July 2025 at 10am by teleconferencing. The Applicant was not present but was represented by Mr David Gray, Senior Accredited Paralegal, Gilson Gray LLP. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
7. Mr Gray informed the Tribunal that the Respondent last paid in November 2024. The last contact from the Respondent was in January 2025 when the Respondent told the letting agent that he was having personal problems which meant that he was unable to pay the rent charge. Mr Gray said that none of issues raised to the letting agent or any other information that he had suggested the Respondent was disabled or vulnerable. The Property has not been adapted for any disabilities. It is believed that the Respondent does not have an entitlement to Universal Credit Housing Element as it is understood that the Respondent works full time.
8. The Tribunal was satisfied that the legal requirement was met to allow an order for eviction to be granted and that there were no issues of reasonableness.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 10th October 2023.
10. The Respondent persistently failed to pay his rent charge of £520 per month. The rent payments are due to be paid on the 10th day of each month.
11. Arrears accrued to more than three months rent payments at the date of application and was more than one months rent payment at the date of the CMD.
12. There are no outstanding Universal Credit Housing Element issues as it is believed that the Respondent is working full time and not entitled to Universal Credit.
13. The current arrears total £6060. This is higher than the amount stated in the application, which was £1985.25. There have been no payments since November 2024.

14. It is not believed that the Respondent is disabled or vulnerable.

15. There are no issues of reasonableness that prevent an order from being granted.

Decision

16. The Tribunal found that ground 12 has been established and granted an order in favour of 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.

Gabrielle Miller

14th July 2025

Legal Member/Chair

Date