

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)**

Chamber Ref: FTS/HPC/CV/25/0824

Re: Property at 61 Barnhill Road, Dumbarton, G82 2SD (“the Property”)

Parties:

Mr Kris Brown, 2 Creityhall Road, Milton of Buchanan, Drymen, G63 0JA (“the Applicant”)

Miss Simone Clifford, 61 Barnhill Road, Dumbarton, G82 2SD (“the Respondent”)

Tribunal Members:

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 1st April 2018 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 10th April 2018.
3. The initial rent was £595.00 per calendar month. That was increased to £665.00 per calendar month from August 2024 onwards.
4. Historically, there were arrears of rent. Those arrears, however, appear to have been cleared. Since April 2022, however, the Respondent has consistently been in arrears of rent.
5. A Notice to Leave dated 16th January 2025 was served upon the Respondent. The notice to leave intimated that an order for eviction was being sought on the basis the Respondent was in rent arrears for over 3 consecutive months.
6. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority by e mail on 24 February 2025.

7. The Applicant complied with the pre-action protocol by writing to the Respondent on various occasions outlining the existence of arrears and providing relevant information and contact details for support organisations.
8. On 24th February 2025 the Applicant presented two separate applications to the Tribunal, one seeking an order for eviction (EV/25/0822) and one seeking a payment order in relation to rent arrears (CV/25/0824).
9. At the time of the application to the Tribunal, arrears of rent amounted to £8,368.74. As at the date of the Case Management Discussion, arrears of rent amounted to £13,688.74.

THE CASE MANAGEMENT DISCUSSION

10. Both parties participated personally in the Case Management Discussion.

Eviction

11. The Applicant moved the Tribunal to grant an order for eviction. The Respondent advised that she was not opposed to this. The Respondent advised that she accepted she was in arrears of rent and was not in position to make payment to clear them.
12. The Tribunal made enquiry in relation to the personal circumstances of the Respondent to enable it to fully consider the issue of reasonableness of the granting of an eviction order. The Respondent advised that she was 42 years of age. She resided at the Property with her 3 children, aged 15 years, 8 years and 3 years. She advised that she suffered from some mental health issues. She believed her eldest child was perhaps depressed also. Rather than advancing those matters as a basis for opposing an eviction order as unreasonable, however, the Respondent advised that living in the Property may be causing some of the difficulties. She was of the view that securing alternative accommodation is likely to assist both her and the children.
13. She pointed out that the Property is a considerable distance away from other family members who may be able to provide additional support to her. Her children do not have any friends in the vicinity of the Property as there are no other children living nearby. Her children, as a result, are somewhat isolated. Due to various difficulties, she advised she regularly required to take one of her children to school by taxi which was a considerable expense which affected her overall financial position. If she was allocated alternative housing elsewhere, she would be able to derive additional assistance and support from family members and other financial outgoings are likely to be reduced, improving the financial position of her family overall.
14. The Tribunal enquired as to whether arrears of rent were due to any failure or delay in the payment of any relevant benefits. The Respondent advised that she was previously in receipt of a housing element of universal credit but this had stopped in August 2024 as she had not attended her appointments. She also advised the Tribunal that she has not attended recently to provide any updated information to reinstate or secure those payments on an ongoing

basis. She has not been receiving them. The failure, however, is on her part rather than on the part of the local authority or the benefits agency. In the circumstances, therefore, the arrears are not due to any failure or delay in the payment of any relevant benefit.

15. In the circumstances, having regard to the acceptance of the significant arrears of rent, taken together with the Respondent's consent to the granting of an eviction order, and the information provided by the Respondent to the effect that an eviction order is likely to assist her and her children, the Tribunal granted an order for eviction.

Rent Arrears

16. In relation to arrears of rent, the Respondent accepted the arrears of rent. She accepted the figure intimated at the Case Management Discussion, that being £13,688.74.
17. The Applicant moved the Tribunal to amend the amount claimed to £13,688.74. The Respondent had no opposition to that.
18. Having regard to the acceptance of the increased level of rent arrears and the fact the Respondent had no opposition to the amount claimed being amended, the Tribunal amended the amount and thereafter granted a payment order in the sum of £13,688.74.
19. The Tribunal enquired of the Respondent as to whether she would wish to seek a time to pay direction. Again, however, the Respondent was entirely candid. She advised she was not in a position to make any offer of payment at this stage. Indeed, she advised that she may seek advice about sequestrating herself in due course. In the circumstances, no time to pay direction was made by the Tribunal.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of Sum of THIRTEEN THOUSAND SIX HUNDRED AND EIGHTY EIGHT POUNDS AND SEVENTY FOUR PENCE (£13,688.74) STERLING to 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.

Virgil Crawford

Legal Member/Chair

Date: 10th October 2025