

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/20/0082**

**Re: Property at 8 Patterton Drive, Barrhead, Glasgow, G78 2NN (“the Property”)**

**Parties:**

**Mr Gurjatan Singh, 182 Eastwood Mains Road, Clarkston, Glasgow, G76 7HA (“the Applicant”)**

**Miss Lisa Richardson, 8 Patterton Drive, Barrhead, Glasgow, G78 2NN (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be issued against the Respondent in respect of the Property.**

**Background**

**This is an application for eviction and is dated 9<sup>th</sup> January 2020. The Application is under Grounds 12 and 14 of Part 3 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (the “2016 Act”).**

**The Case Management Discussion**

**A case management discussion was held in Glasgow Tribunals Centre on 5<sup>th</sup> March 2020. Mr Michael Ritchie, solicitor was present to represent the Applicant. The Respondent was not present and the tribunal noted that service of the notification of the date for the case management discussion had been effected by Sheriff Officer on 31<sup>st</sup> January 2020.**

## **Preliminary Matters**

**Mr Ritchie said that he was not insisting on Ground 14 as set out in the 2016 Act and that he was seeking the order of eviction on Ground 12 of Part 3 of Schedule 3 of the 2016 Act- that the Respondent has been in rent arrears for three or more consecutive months and is today in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy today. Mr Ritchie produced an updated rent statement showing the arrears due by the Respondent to be £6,050.**

## **Documents Before Tribunal**

- 1. The Application.**
- 2. The Lease.**
- 3. Copy Notice to Leave dated 20<sup>th</sup> November 2019.**
- 4. Copy Notice to local authority under Homelessness etc. (Scotland) Act 2003.**
- 5. Updated rent statement showing arrears of £6,050.**
- 6. Sheriff Officer's Certificate of Service dated 31<sup>st</sup> January 2020.**

## **Findings in Fact**

- 1. The Respondent is the tenant of the Property in terms of a Private Residential Tenancy Agreement 22<sup>nd</sup> October 2018.**
- 2. The tenancy commenced on 22<sup>nd</sup> October 2018.**
- 3. The Respondent was served with a Notice to Leave dated 20<sup>th</sup> November 2019.**
- 4. The Respondent has given appropriate notice to the local authority under the Homelessness Etc. (Scotland) Act 2003.**
- 5. The rent due in terms of the Private Residential Tenancy Agreement is £550.**
- 6. There are rent arrears of £6,050.**
- 7. There is no evidence that non -payment of rent is due in any part to any issues with regard to payment of State Benefits to the Respondent.**

## **Reasons**

- 1. The application is seeking eviction under Grounds 12 and 14. The Applicant's solicitor indicated that he was only seeking the order under Ground 12. He produced an updated rent statement showing the current arrears to be £6,050.**
- 2. The tribunal accepted the level of arrears is reflected in the updated rent statement.**
- 3. The tribunal noted that the application had been lodged outwith the period referred to in the notice statement referred to in the Notice to Leave.**

4. The tribunal accepted that the requisite notice had been given to the local authority under the Homelessness etc. (Scotland) Act 2011.

5. **The Law**

In terms of Ground 12 of Part 3 of Schedule 3 to the 2016 Act it is an eviction ground that the tenant has been in arrears for three or more consecutive months and, at the beginning of the day on which the Tribunal first considers the application for an eviction order on its merits, the tenant is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on that day and has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months and the tribunal is satisfied that the tenant's being in arrears of rent over that period is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.

6. Mr Ritchie indicated that he is unaware of non -payment of rent being due to any issue with regard to delay in payment of State benefits to the Respondent.

7. The tribunal was satisfied that the criteria under the 2016 Act are met. The monthly rent is £550. The tribunal accepted that the current level of arrears of rent is £6,050 and that therefore the rent has been in arrears for more than three months and that there is at least one month's rent due on the day of the case management discussion.

8. The tribunal saw no reason to continue the matter to a Hearing.

## **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.

Martin McAllister

**Martin J. Mcallister**  
**5<sup>th</sup> March 2020**