

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

**Chamber Ref: FTS/HPC/EV/19/0633**

**Re: Property at , 15 Britannia Way, Renfrew, PA4 0LS (“the Property”)**

**Parties:**

**Ritehome Limited, 350 Glasgow Harbour Terraces, Glasgow, G11 6EG (“the Applicant”)**

**Mr James Melville, Flat F, 15 Britannia Way, Renfrew, PA4 0LS (“the Respondent”)**

**Tribunal Members:**

**Colin Dunipace (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made in terms of section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Background**

- 1. This matter concerns an Application for eviction/possession in terms of section 51(1) of the aforementioned Act in respect of the subject property. The Application was lodged by Ritehome Ltd on behalf of the Applicant on 26 February 2019. With the Application was lodged: a copy of the Private Residential Tenancy Agreement; a copy Notice to Leave with confirmation from Sheriff Officers confirming service of same; Section 11 form, and proof of service of the Section 11 form to the local authority. The Application was lodged in terms of Rule 109 of the Rules, stating that at the date of the lodging of the Application that the Respondent had been in arrears of rent over a period of three or more consecutive months. It was accordingly submitted that ground 12 had been established and that the order for repossession should be granted.**

2. The matter called before me as a Case Management Discussion in Glasgow Tribunals Centre, Glasgow on 16 May 2019. The Applicant was not present but was represented at this Discussion by Mr Nixon of Ritehomes Limited. The Respondent was neither present nor represented. Having considered the question of service, I was satisfied that this had been properly effected by the Tribunal and accordingly that it was appropriate to continue with the Case Management Discussion in the absence of the Respondent.

### **Case Management Discussion**

3. At the Case Management Discussion Mr Nixon moved that the Order as sought should be granted. Mr Nixon referred to the terms of the original Application and confirmed the initial agreed rental had been in the sum of £425 per calendar month. It was confirmed by Mr Nixon that the current arrears of rent were in the sum of £2,842.00. Mr Nixon advised the Tribunal that the original tenancy agreement had been in the name of the Respondent and his girlfriend, but that when she had left the property, that a fresh lease had been between the Applicant and the Respondent commencing on 9 January 2019. A rent statement was produced to the Tribunal showing that the Respondent had missed rent payments on 12 occasions since 7 June 2018. It was demonstrated also that there had been no payments in February, March, April or May 2019, this being a period of four consecutive months. No attempt to address the arrears accrued during this period had been made by the Respondent. Given the level of arrears Mr Nixon sought that the Order be made in terms of Ground 12(1) of Schedule 3 of the aforementioned Act.

### **Findings in Fact**

1. The parties entered into a Private Residential Tenancy on 9 January 2018. In terms of this rental agreement the amount of rent due was £425 per calendar month.
2. Notice to Leave was served on the Respondents by Sheriff Officers on 22 January 2019.
3. That the Respondent did not maintain payments of rent due in respect of this tenancy agreement and that the arrears of rent now due are in the sum of £2,842.
4. That the Respondent had failed to make payment of rent for the consecutive months February, March, April and May 2019.

## Statement of Reasons

The Applicant's representative produced a rent arrears statement to the Tribunal showing the extent of the outstanding arrears. These arrears were in excess of three months rental in relation to the property.

In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal is to issue an Order against the Respondent if it finds that one of the grounds mentioned in Schedule 3 have been established. Ground 12(1) is a mandatory Ground of said Schedule which provides that an Order should be made if the tenant has been in rent arrears for three or more consecutive months. I am satisfied that this section applies in the present case, and that given that the Applicant has established this Ground, that he is entitled to the Order as sought.

For these reasons I am satisfied that the Order sought should be granted.

## 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.

**Colin Dunipace**

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Legal Member

28/5/15  
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Date