

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/19/2537

Re: Property at Flat 2/2, 6 Meadowbank Street, Dumbarton, G82 1SD (“the Property”)

Parties:

Mr Amar Singh Uppal, Vieward, Lusst Road, Old Kilpatrick, Glasgow, G60 5LU (“the Applicant”)

Mr Robbie Etheridge, Flat 2/2, 6 Meadowbank Street, Dumbarton, G82 1SD (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Representation:

Applicant: Miss K Donnelly, Bannatyne, Kirkwood, France & Co., Glasgow

Decision (in absence of the Respondent)

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

BACKGROUND

1. By lease dated 14 September 2018 the Applicant let the Property to the Respondent. The lease is a Private Residential Tenancy in terms of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”);
2. The start date of the tenancy was 24 September 2018;
3. The rent payable was £395.00 per calendar month, payable in advance;
4. Rent arrears began accruing from March 2019. Only £5.00 was paid in rent that month. No further payments of rent have been made since then;
5. On 12 August 2019 an application was made to the Tribunal for an order for eviction due to arrears of rent. At that time the arrears amounted to £1,980.00;

6. The amount outstanding as at the date of the Case Management Discussion was £2,760;

THE CASE MANAGEMENT DISCUSSION

7. The Applicant did not attend the Case management Discussion but was represented by Miss Donnelly, Messrs Bannatyne, Kirkwood, France & Co., Glasgow;
8. The Respondent failed to attend. The Tribunal was in receipt of an execution of service by sheriff officers confirming that the place, date and time of the Case Management Discussion had been intimated to the Respondent, together with a copy of the case papers. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
9. The Applicant's Representative moved the Tribunal to grant an order for eviction in terms of s51 of, and Ground 12 of Schedule 3 to, the 2016 Act ;

FINDINGS IN FACT

10. The Tribunal found the following facts to be admitted or proved:-
 - i. By lease dated 14 September 2018 the Applicant let the Property to the Respondent. The lease is a Private Residential Tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016;
 - ii. The start date of the tenancy was 24 September 2018;
 - iii. The rent payable was £395.00 per calendar month, payable in advance;
 - iv. Rent arrears began accruing from March 2019. Only £5.00 was paid in rent that month. No further payments of rent have been made since then;
 - v. On 12 August 2019 an application was made to the Tribunal for an order for eviction. At that time the arrears amounted to £1,980.00;
 - vi. On 14 October 2019, the date of the Case Management Discussion, the arrears amounted to £2,760.00;
 - vii. As at the date of the application to the Tribunal and the Case Management Discussion the Respondent was in arrears of rent in an amount greater than one month's rent;
 - viii. As at the date of the application to the Tribunal and the date of the Case Management Discussion the Respondent had been in arrears of rent for a continuous period of more than 3 months;
 - ix. The Tribunal had no information before it to enable it to conclude that any arrears were as a result of a delay or failure in the payment of any benefit;

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings furth and from the Property at Flat 2/2, 6 Meadowbank Street, Dumbarton, G82 1SD and to make the same void and redd that the Applicant or others in their name may enter thereon and peaceably possess and enjoy the same.

Order not to be executed prior to 12 noon on 20 November 2019

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

14 October 2019

Date