



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/22/2775

Re: Property at 8 Anderson Drive, Flat 3/2, Renfrew, PA4 8PL (“the Property”)

Parties:

Homes for Good Investments Ltd, 123 Main Street, Glasgow, G40 1QD (“the Applicant”)

Mr Ryan Sweeney, 8 Anderson Drive, Flat 3/2, Renfrew, PA4 8PL (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicant and that the date of eviction should be delayed until 16 January 2023.

Background

The Applicant is the landlord and the Respondent the tenant in respect of a private residential tenancy of the Property dated 19 April 2018.

The Applicant seeks eviction of the Respondent in respect of his non-payment of rent.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place on 22 November 2022. The Applicant was represented by Ms Simpson and Ms Lawrie. The Respondent was neither present nor represented.

Findings in Fact

The Applicant is the landlord and the Respondent the tenant in respect of a private residential tenancy of the Property dated 19 April 2018.

The Respondent is in rent arrears totalling £1930.78 at the time of the Application. The arrears have increased since that date.

Notice to leave was served upon the Respondent on 5 July 2022.

The Respondent remains in occupation of the Property.

The Respondent has been in rent arrears for three consecutive months. Rent arrears have been a consistent feature since the beginning of the tenancy.

The Applicant has attempted to assist the Respondent with his arrears including by offering support for benefit claims, specialist support for mental health issues and referring him to external organisations which might assist him. The Respondent has not engaged with the Applicant at all.

Reasons for Decision

Having been satisfied that the Respondent has been in rent arrears for more than three consecutive months, the Tribunal requires to consider whether it would be reasonable to grant an eviction order.

The Tribunal has noted that the arrears in this case have been in existence for over four years. The Tribunal has also noted that the Applicant has made significant and repeated efforts to assist the Respondent (including writing to him, offering home visits, offering to refer the Applicant to third party agencies and offering help via a family member) but that the Respondent has refused to engage.

In the circumstances, the Applicant appears to have acted in accordance with all pre-action requirements and granting an order of eviction is reasonable.

Having regard to: the Respondent's reported mental health and his difficulties in engaging with assistance; the looming festive period which may reduce the availability and speed of any assistance; and the Applicant's representative's representations at the CMD that they would have no difficulty with the time for enforcement of the eviction order being delayed, we consider that it would be reasonable to delay the enforcement of the Order until 16 January 2023.

Decision

An order for possession of the Property will be made in favour of the Applicant. Enforcement of the Order will be delayed until 16 January 2023.

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.

John McHugh

22 November 2022

Legal Member/Chair

Date