



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/20/0887

Re: Property at 33 Broughton Road, Glasgow, G23 5HL (“the Property”)

Parties:

Mr Brian Smith, 3/2, 20 Innellan Gardens, Glasgow, G20 0DX (“the Applicant”)

Mr Kristopher Lorimer, 33 Broughton Road, Glasgow, G23 5HL (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Eviction Order be granted.

Background

1. By application received between 11 March and 15 July 2020 (“the Application”), the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for an eviction order in terms of Section 51 of the Act. The Application comprised an application form, copy private residential tenancy agreement showing a monthly rent of £500.00, copy notice to leave dated 6 January 2020 citing Ground 12 of Schedule 3 to the Act and giving notice that the earliest date proceedings can be start is 7 February 2020 (“the Notice to Leave”), rent statement showing rent arrears amounting to £1,061.21 being rent arrears for three or more consecutive months and copy notice to Glasgow City Council, being the relevant local authority, in terms of Section 11 of the Homelessness (Scotland) Act 2003.
2. On 10 August 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and fixed a Case Management Discussion (“CMD”) for 17 September 2020 at 14.00 by telephone conference call. The Application and CMD was intimated to the Respondent by Sheriff Officer on 20 August 2020.

Summary of Case Management Discussion

3. The CMD took place on 17 September 2020 at 14.00. The Applicant took part. The Respondent did not take part and was not represented. The Tribunal advised the Applicant that it was satisfied that the statutory process which a landlord must follow to recover possession of a property in terms of the Act had been followed properly.
4. The Applicant confirmed that, as far as he was aware, the Respondent remained in the Property and that the eviction order was sought.

Findings of the Tribunal.

5. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There is a private residential tenancy agreement between the Parties;
 - ii) The monthly rent is £500.00;
 - iii) A notice to leave dated 6 January 2020 citing Ground 12 of Schedule 3 to the Act and giving notice that the earliest date proceedings can be start is 7 February 2020 was intimated to the Respondent on behalf of the Applicant;
 - iv) Rent arrears amounting to £1,061.21 at the date of the Notice to Leave were due and owing by the Respondent to the Applicant;
 - v) The rent arrears are for three or more consecutive months;
 - vi) Notice to Glasgow City Council, being the relevant local authority, in terms of Section 11 of the Homelessness (Scotland) Act 2003, has been given

Decision of the Tribunal and Reasons for the Decision.

6. The Tribunal had regard to Chapter 3 of Part 5 of the Act which sets out the steps which a landlord must take to bring an application for termination of a private residential tenancy to an end and determined that the Applicant had complied with these requirements.
7. The Tribunal then had regard to section 51 (1) of the Act which states:- “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”
8. Accordingly, having been satisfied that the Applicants had complied with the statutory requirements and that Ground 12 of Schedule 3 to the Act is satisfied, the Tribunal is obliged to grant an order.
9. The Tribunal then had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding

making a decision” and so proceeded to make an eviction order to come into effect no earlier than thirty days from the date hereof, being 18 October 2020.

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.

K Moore

Legal Member/Chair

17 September 2020

Date