



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/20/0871

Re: Property at 42 Lochbrae Drive, Rutherglen, G73 5QN (“the Property”)

Parties:

Ringley Park Properties Ltd, Office 2 - Room 8, Kirkhill House, Broom Road East, Newton Mearns, G77 5LL (“the Applicant”)

Mr Paul Gordon and Ms Caroline Nicholl, 42 Lochbrae Drive, Rutherglen, G73 5QN; 42 Lochbrae Drive, Rutherglen, G73 5QN (“the Respondents”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondents)

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

At the Case Management Discussion (“CMD”) the Applicant was represented by Mr James McMillan. The Respondents were neither present nor represented.

Background

- The Applicant is the heritable proprietor of the Property.
- The Respondents are the tenants of the Property in terms of a Tenancy Agreement signed on 25 July 2019 (“the Tenancy Agreement”).
- The start date of the tenancy is stated in the Agreement to be 19 July 2019.
- The Tenancy Agreement is a Private Residential Tenancy Agreement under the Private Housing (Tenancies)(Scotland) Act 2016 (“the Act”).
- In terms of the Agreement the rent payable by the Respondent was stated to be £550 per month payable in advance on the 1st day of each month.
- The Applicant served on the Respondents a valid Notice to Leave dated 3 February 2020. The end of the notice period in terms of the Notice to Leave was 6 March 2020.

- The Respondents remain in occupation of the Property.
- As at the date of the Application to the Tribunal the rent arrears accrued were £3,401.15.

The Case Management Discussion

Submissions for the Applicant:-

At the CMD the Applicant's Representative stated:-

- That the total rent outstanding is £3,761.31 to include the rent falling due on 1 August 2020. The payments of Universal Credit are being received each month in a sum of £475 but a shortfall between the rent due and the Universal Credit paid remains outstanding each month, hence the increasing arrears.
- That the Respondents have been trying to find other accommodation for around 9 months.
- That the Applicant seeks an order for the eviction of the Respondents.

Reasons for Decision

- There exists between the parties a Private Residential Tenancy.
- A Notice to Leave has been properly served.
- The Respondents have been in arrears of rent for a continuous period of more than three consecutive months.
- The Respondents are due total arrears of rent that exceed one month's rent.
- The Respondents have had due intimation of this Application in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.
- The terms of Ground 12 of Part 3 of Schedule 3 of the Act are met and the Tribunal must therefore issue an eviction order.

Decision

The Applicant is entitled to an order for eviction and the Tribunal made an order to that effect.

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.

Gillian Buchanan



18 August 2020

Legal Member/Chair