

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 (“the Act”) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/22/0583

Re: Property at 2/1 1 Inverkip Street, Greenock, PA15 1SX (“the Property”)

Parties:

Mrs Brenda Mcleod, 37 Denholm Terrace, Greenock, PA16 8RN (“the Applicant”) per her agents, Cathie Scott Properties, Suite 25, Ladyburn Business Centre, 20 Pottery Street, Greenock PA15 2UH (“the Applicant’s Agents”)

Ms Jacqueline Carr, 2/1 1 Inverkip Street, Greenock, PA15 1SX (“the Respondent”)

Tribunal Members:

Karen Moore (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 the Ground for eviction and recovery of possession having been established, it is reasonable to grant the Order sought and so the Tribunal granted the Order.

Background

1. By application received between 28 February 2022 and 20 April 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for possession of the Property based on Ground 12 of Schedule 3 to the Act, the tenant has more than three consecutive months arrears,. The Application comprised statement of rent of £4,680.00 due and owing to February 2022, copy Notice to Leave, and copy correspondence from the Applicant’s Agents to the Respondent. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 14 July 2022 at 14.00 by telephone conference. The CMD was intimated to the Parties and, in particular, was served on the Respondent by Sheriff Officer on 24 May 2022.

CMD

2. The CMD took place on 14 July 2022 at 14.00 by telephone. The Applicant did not take part and was represented by Ms. Jenna Kane of the Applicant's Agents. The Respondent did not take part and was not represented. She did not submit any written representations.
3. Ms. Kane advised the Tribunal that no rent had been paid since December 2021 with the last payment being made before that date in July 2021. Ms. Kane explained that the Applicant's Agents had made visits to the Respondent in respect of the rent arrears, and, that payment plans which had been agreed were not adhered to by the Respondent. She explained that, in an attempt to assist the Respondent, the Applicant had agreed to weekly payments but the Respondent had not adhered to this arrangement. Ms. Kane advised that as far as she was aware, the Respondent had been in receipt of Universal Credit during the pandemic when her income had been reduced but the sums received as rent benefit were not paid to the Applicant.
4. With regard to personal circumstances, Ms. Kane advised the Tribunal that, as far as she was aware, the Respondent resides at the Property with her partner and, on occasions her adult daughter. Ms. Kane stated that she believed both the Respondent and her partner to be in employment and that she is not aware of any vulnerability which affects the Respondent or her partner.

Findings in Fact

5. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a tenancy of the Property between the Parties at a monthly rent of £400.00;
 - ii) Rent amounting to £4,680.00 was outstanding and due and owing by the Respondent to the Applicant at the date of the Application and this amount continues to increase;
 - iii) The Respondent last paid a contribution towards the rent in December 2021;
 - iv) The Respondent has failed to adhere to payment plans to reduce the rent arrears due by her;
 - v) The Respondent continues to reside in the Property;

Issue for the Tribunal

6. The statutory Grounds and the procedure being established, the issue for the Tribunal is to determine if it is reasonable to grant the Order. The Tribunal 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*". The Tribunal took the view that it had sufficient information to make a decision on reasonableness and so proceeded to determine the Application.

Decision and Reasons for Decision

7. The Tribunal had regard to all the information before it and to its Findings in Fact.
8. The Tribunal then considered if it could be satisfied it is reasonable to issue an eviction order on account of those facts and on all of the information before it. The Tribunal had regard to the high level of the rent arrears which continue to accrue and to the financial

effect this has on the Applicant. The Tribunal was satisfied that it is reasonable to issue an eviction order.

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.

Kara Moore

14 July 2022

Legal Member/Chair

Date