



**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/21/0190**

**Re: Property at 214 Quarry Street, Motherwell, ML1 4HJ (“the Property”)**

**Parties:**

**Mr Jimmy Sexton, 350a Clooney Road, Limavady, County Londonderry (“the Applicant”)**

**Ms Elizabeth Taylor, 214 Quarry Street, Motherwell, ML1 4HJ (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.**

**Background**

By application, received by the Tribunal on 27 January 2021, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”). The Ground relied on was Ground 12 of Schedule 3 to the Act, namely that the Respondent has been in rent arrears for three or more consecutive months.

The application was accompanied by a copy of a Private Rented Tenancy Agreement between the Parties commencing on 1 March 2019 at a rent of £450 per month, a Rent Statement showing arrears at 1 January 2021 of £5,850, no payment of rent having been made since 3 December 2019, and a copy of a Notice to Leave dated 2 July 2020. The Notice to Leave advised the Respondent that the Applicant intended to rely on Ground 12 of the Act and that an application would not be submitted to the Tribunal before 7 January 2021.

On 16 February 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written

representations no later than 9 March 2021. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 23 March 2021. The Applicant was represented by Miss Vikki McGuire of Jewel Homes Limited, Coatbridge. The Respondent was not present or represented. Miss McGuire advised the Tribunal that no rental payments had been received since the date of the application and that the arrears now stood at £6,750. She asked the Tribunal to issue the Eviction Order without a Hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

Ground 12 of Schedule 3 to the Act, as amended by Schedule 1 to the Coronavirus (Scotland) Act 2020, provides that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, for three or more consecutive months the tenant has been in arrears of rent and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order.

The Tribunal was satisfied that the Respondent has been in rent arrears for three or more consecutive months. The Tribunal noted that there were arrears of rent before the COVID-19 pandemic began and that the Respondent had not offered any explanation for her failure to pay any rent at all since 3 December 2019, a period of 15 months. Accordingly, the view of the Tribunal was that it was reasonable to issue the Eviction Order as sought by the Applicant.

### **Decision**

The Tribunal determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

The Decision of the Tribunal was unanimous.

### **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.**

George Clark

---

Legal Member/Chair

23 March 2021

Date