



**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**

**Chamber Ref: FTS/HPC/EV/21/0308**

**Re: Property at 3f Viking Way, Renfrew, PA4 0LU (“the Property”)**

**Parties:**

**Harpreet Singh Sidhu, C/O 10-12 High Street, Renfrew, PA4 8QR (“the Applicant”)**

**Miss Nathalie Lowe, 3f Viking Way, Renfrew, PA4 0LU (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Miss J Green (Ordinary Member)**

**Decision**

**The Tribunal determined that an eviction order in respect of the Property should be granted against the Respondent.**

**Background**

1. This is an application dated 9<sup>th</sup> February 2021, made in terms of Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an eviction order under ground 12 of the Private Rented Housing (Tenancies) (Scotland) Act 2016 (“the Act”). The Applicant included with the application a copy of the tenancy agreement between the parties, which tenancy commenced on 15<sup>th</sup> January 2019, copy Notice to Leave dated and served on 2<sup>nd</sup> July 2020, with copy intimation email, copy section 11 Notice to the Local Authority, served on 9<sup>th</sup> February 2021, rent schedule, and copy pre-action requirement letter dated 1<sup>st</sup> February 2021.
2. By email dated 12<sup>th</sup> April 2021, the Applicant’s representative lodged copy productions, comprising a pre-action requirement letter dated 23<sup>rd</sup> March 2021.

**Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 13<sup>th</sup> April 2021. The Applicant was not in attendance and was represented by Ms Euphemia Matheson, Solicitor. The Respondent was in attendance.
4. Ms Matheson moved for the eviction order to be granted. The monthly rent is £550. The Respondent fell into arrears in March 2020. There have been sporadic payments made, including £50 on 19<sup>th</sup> January 2021. The arrears are currently £6527, although there is some dispute over the level of arrears. Notwithstanding this dispute, ground 12 is met. It would be reasonable to grant the eviction order as the Respondent has indicated that she is not opposing the order.
5. The Respondent said that she is not opposing the order. She accepts that the ground is met as she has been in arrears of rent for three or more consecutive months, and at the date of the CMD there are arrears of rent amounting to more than one month’s rent. The current situation with the Covid-19 pandemic has made it difficult for her to gain alternative housing, particularly given the extended notice periods as a result of the Covid-19 pandemic. The local authority has made it clear that she will not get social housing without an eviction order. It would assist her if an eviction order was granted.

### **Findings in Fact and Law**

6.
  - (i) The parties entered into a private residential tenancy agreement in respect of the Property commencing on 15<sup>th</sup> January 2019 with a monthly rent of £550.
  - (ii) The Respondent has been in arrears of rent for three or more consecutive months.
  - (iii) Notice to Leave has been served upon the Respondent.
  - (iv) At the date of the CMD, the Respondent was in arrears of rent by an amount greater than the amount payable as one month’s rent.
  - (v) The Respondent’s rent arrears are not due to a delay or failure in the payment of a relevant benefit.
  - (vi) The pre-action requirements for private residential tenancies have been met.
  - (vii) It is reasonable to grant an eviction order.

### **Reasons for Decision**

7. Ground 12 of Schedule 3 of the Act provides that it is an eviction ground if the tenant has been in rent arrears for three or more consecutive months. The Tribunal must find that this applies if (1) at the beginning of the day on which

the Tribunal first considers the application for an eviction order, the tenant is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on that day; (2) the tenant has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months; and (3) the Tribunal is satisfied that the tenant's being in arrears of rent over that period is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.

8. The Tribunal is satisfied that Ground 12 has been established.
9. The Tribunal is satisfied that the necessary Notice to Leave has been correctly issued to the Respondent in terms of the Act.
10. No evidence was provided to the Tribunal to show that the arrears were due to a delay or failure in the payment of a relevant benefit.
11. The pre-action requirements were met by letters dated 1<sup>st</sup> February and 23<sup>rd</sup> March 2021.
12. In considering whether it was reasonable to grant the eviction order, the Tribunal took into account the fact that the Respondent was not opposing the order, and, indeed, required an order to access alternative social housing. In all the circumstances, the Tribunal found that it was reasonable to grant the eviction order.

### **Decision**

13. An eviction order in respect of the Property is granted against the Respondent.

### **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.**

**Helen Forbes**

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**Legal Member: Helen Forbes**

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**Date: 13<sup>th</sup> April 2021**