



**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/21/1479**

**Re: Property at 12D Aitken Street, Airdrie, ML6 6LS (“the Property”)**

**Parties:**

**Langston Investments Ltd, The London Office, 86 Great Portland Street, London, W1W 7LT (“the Applicant”)**

**Michael Leeche, Miss Nicola Tobin, 12D Aitken Street, Airdrie, ML6 6LS (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Linda Reid (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.**

**Background**

1. An application was received by the Housing and Property Chamber dated 16<sup>th</sup> June 2021. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to grounds 8, 11 and 12 of Schedule 5 of the Private Housing (Tenancies) Act 2016.
2. The case was conjoined with case FTS/HPC/CV/21/1480.
3. On 10<sup>th</sup> August 2021 a Case Management Discussion (“CMD”) was held. On that date the Tribunal had not been satisfied that it was fully aware of all issues of reasonableness. The CMD was continued to allow the Applicant to lodge

evidence that attempts had been made to contact the Respondents and provide the appropriate information.

4. On 12<sup>th</sup> August 2021, all parties were written to with the date for the CMD of 15<sup>th</sup> September 2021 at 10am by teleconferencing.

#### The Case Management Discussion

5. A CMD was held 15<sup>th</sup> September 2021 at 10am by teleconferencing. The Applicant was represented by Ms Shabeilla Saddiq, Associate Solicitor, TCH Law. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
6. The Tribunal noted that there had been a substantial amount of documentation lodged that evidenced the Applicant's or Applicant's agents attempts at engaging with the Respondents. Ms Saddiq said that there had been no further payments since the last CMD. She was not aware of an outstanding benefit entitlement which would address the arrears. She understands the First Named Respondent, Mr Michael Leech, was in employment as was the Respondents oldest daughter who is 16 years old. Although not seeking a further increase Ms Saddiq noted that the arrears had accrued further to £8012.50. The last payment was £475 on 30<sup>th</sup> June 2020. There has been no endeavour by the Respondents to make payments since that date or set up a payment plan. The Applicant has advised of organisations which would help with money advice issues.
7. The Tribunal was satisfied that all reasonable attempts to engage with the Respondents had taken place and there were no issues of reasonableness preventing the granting of an order for repossession.

#### Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 27<sup>th</sup> August 2019.
9. The Respondent persistently failed to pay their rent charge of £475 per month. The rent payments are due to be paid on 27<sup>th</sup> day of each month.
10. There are no outstanding Housing Benefit issues.
11. The arrears sought total £7537.50. The current arrears are £8012.50. The last payment was made on 30<sup>th</sup> June 2020.

#### Decision

12. The Respondents have outstanding rent arrears amounting to more than three months at the date to the Notice to Leave and at the date of the CMD. The Respondents continue to be in arrears in excess of three months rent

payments. They have not attempted to address the arrears. The Tribunal found that grounds 8, 11 and 12 have been established and granted an order for repossession of the Property in favour of the Applicant.

### **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.**

Gabrielle Miller

**15<sup>th</sup> September 2021**

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**Legal Member/Chair**

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**Date**