



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/21/1783

Re: Property at 7B Anchor Buildings, Paisley, PA1 1JN (“the Property”)

Parties:

Mr Jasdeep Chowdhary, 47 Aytoun Road, Glasgow, G41 5HW (“the Applicant”)

Mr Daljinder Singh, 7B Anchor Buildings, Paisley, PA1 1JN (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (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 to Grant an Order for Eviction.

1. This is an application under Section 51(1) of the Private Housing (Scotland) Act 2016 for an Order for Eviction on the basis that the Respondent has accrued more than 3 month’s rent arrears. A separate application for a Payment Order in the sum of £7,105.00 has been made under reference FTS/HPC/CV/21/1787 and has been granted.
2. The Applicant is the Landlord and owner of the property. The Respondent is the Tenant. They entered into a Tenancy Agreement on 14th June 2019. The Tenancy Agreement specifies that £355.00 is due in respect of rent each calendar month payable in advance.

3. A two-member Case Management Discussion (CMD) took place at 10.00 am on 11 October 2021 by teleconference. The Applicant, Mr Chowdhary and his Representative, Miss Harper joined the hearing. The Respondent failed to appear and has failed to engage with the application in any way. We decided to proceed after satisfying ourselves that the papers had been properly served on the Respondent and that he was notified of today's CMD.
5. The Applicant has provided a schedule of rent payments. This shows that the Respondent has accrued rent arrears, at the date of service of the application, in the sum of £7105.00. The Applicant took up occupancy of the property on 13th June 2019. His rent account started to fall into arrears from 13th of October 2019 and by the 13th of August 2021 the amount of rent arrears had increased substantially to £7105.00. Miss Harper informed us that the Respondent had made some payments to account. On the 19th of August 2021 he paid £100; on the 15th of September 2021 he paid £100 and on the 5th of October 2021 he paid £150. This means that his rent arrears remain at £7105.00 as he is still occupying the property and has an ongoing liability to pay rent.
6. Mr Chowdhary informed us that he has spoken personally to the Respondent who informed him that he was out of work but that he had some work in the pipeline. Mr Chowdhary provided him with information that he could claim benefits but he is not aware of him doing so. He is not aware of any disability he may have. He is a single man and he is not sure of his nationality and whether he has recourse to public funds.
7. Having considered the statement of rent account and the Tenancy Agreement, we are satisfied that the Applicant is entitled to rent payment of £355 per calendar month and that significant rent arrears have accrued over a significant period of time. The Respondent made no attempt to pay rent or tackle the arrears from 4 February 2020 to 13 August 2021. The amount of rent arrears at the time the application was served on the Respondent stood at £7105.00. The payments made from August 2021 cover his ongoing rent liability and have failed to reduce the amount of arrears. We have no information before us to indicate that there are any particular circumstances to demonstrate that the granting of the Order would not be reasonable.
8. Having considered all the information before us, individually and in the round, we are satisfied that the making of an Eviction Order is reasonable in all of the circumstances.

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.

L. M

Legal Member/Chair

Date 11 October 2021