



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/22/1360

Re: Property at 19 Bucklaw Terrace, Glasgow, G52 3BP (“the Property”)

Parties:

Mr Edward Tweedie, Mrs Elaine Tweedie, Suite 204, Old Embroidery Mill, Abbey Mill Business Centre, Paisley, PA1 1TJ (“the Applicant”)

Mrs Margaret Nelson, 19 Bucklaw Terrace, Glasgow, G52 3BP (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. An application was received by the Housing and Property Chamber dated 10th May 2022. 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 ground 12 of the Private Housing (Tenancies) Act 2016.
2. The application included:-
 - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 1st December 2021;
 - b. Notice to Leave signed 28th March 2022 stating an application would not be submitted to the Tribunal before 30th April 2022;
 - c. Section 11 notice noting proceedings would not be raised before 10th May 2022;

- d. Rent statement from 17th December 2021 to 17th April 2022. This detailed the rent of £750 per month and arrears of £711.50; and
 - e. Sheriff Officer certificate of citation serving Notice to Leave upon the Respondent
3. The Tribunal also had before it a copy of the title deeds numbered GLA13770.
 4. On 25th August 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 12th October 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 15th September 2022.
 5. On 26th August 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent personally. This was evidenced by Certificate of Citation dated 26th August 2022.
 6. A CMD was held on 12th October 2022 at 10am. The Applicant was represented by Mr John Greenfield, Manorcroft. The Respondent was present and represented herself. The CMD was continued to allow the Respondent to start payments to make up the shortfall in her rent and consider taking money advice. A Direction was made in respect of this. She was to start a new job and would start making payments from 10th November 2022.
 7. On 12th January 2023, an email was received from the Applicants representative. It attached an up to date rent account for the period December 2021 to January 2023.

The Case Management Discussion

8. A CMD was held on 16th January 2023 at 10am. The Applicant was represented by Mr John Greenfield, Manorcroft. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules.
9. Mr Greenfield told the Tribunal that there had been no additional payments made by the Respondent. The payments that had been made were from Universal Credit. However they were reduced from £550 per month to £472.13 per month from June 2022. He has had no contact from the Respondent. He visited the Property in October 2022 after the previous CMD, to speak to the Respondent. She was out at work and he left a message with her daughter that he wished to speak to her. He did not visit again as he did not wish to harass her. He called and texted her but there has been no response. He has known the Respondent for many years as the Applicants representative. She has always returned his calls or messages previously. He considers that they had a good relationship. He knows nothing further regarding her circumstances.
10. The Tribunal was content that it was appropriate to grant an order for eviction. There were no issues of reasonableness which would prevent an order being granted.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 1st December 2021.
12. The Respondent persistently failed to pay her rent charge of £750 per month. The rent payments are due to be paid on 1st day of each month.
13. Arrears accrued to more than one months rent payment at the date of application and was more than three months rent payments at the date of the hearing.
14. There are no outstanding Universal Credit issues that are known about.
15. The arrears stand at £3145.09.

Decision

16. The Tribunal found that ground 12 has been established and granted an order 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.

16th January 2023

Legal Member/Chair

Date