



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/22/2187

Re: Property at 7 Arran Drive, Paisley, PA2 8JB (“the Property”)

Parties:

Mr Paul Coyle, 32 Baird Hill, East Kilbride, G75 0ED (“the Applicant”)

Ms Georgia Fraser, 7 Arran Drive, Paisley, PA2 8JB (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for possession of the Property which is let by the Applicant to the Respondent in terms of an assured tenancy. It called for a case management discussion (‘CMD’) at 10am on 18 October 2022, by teleconference. The Applicant was represented on the call by Ms Donnelly of TC Young, solicitors. The Respondent did not call in and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulty she may have been experiencing, but there was not contact from her.

Notice of the CMD was served on the Respondent by sheriff officers on 1 September 2022. The Tribunal were satisfied that the Respondent was aware of the CMD, but had chosen not to attend, and that it was therefore fair to proceed in her absence.

- Findings in Fact or in Fact and Law

1. The Respondent lets the Property from the Applicant in terms of an assured tenancy with a date of entry of 2 August 2012.
2. In terms of the tenancy agreement, rent of £450 was due at the date of entry on the second day of each month thereafter.
3. The tenancy agreement makes provision for the tenancy to be brought to an end on, among others, Grounds 8, 11 and 12 of Schedule 5 to the Housing (Scotland) Act 1988 ('the Act').
4. On 2 December 2021, the Applicant served the Respondent with a letter containing all the information required by the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
5. The Applicant served a notice in form AT6 on the Respondent on 22 December 2021 by sheriff officers, indicating that he intended to apply to the Tribunal for an order for possession on Grounds 8, 11 and 12 of the Act, no sooner than 23 June 2022.
6. On 22 December 2021, the Respondent owed the Applicant £7,541.63 in rent arrears.
7. On 5 July 2022, the Applicant served a notice on the local authority in terms of s.11 of the Homelessness etc. (Scotland) Act 2003.
8. On the date of the CMD, the Respondent owed arrears of rent of £12,041.63.
9. The arrears are not as a result of a failure or delay in payment of any benefit.
10. It is reasonable to grant an order for possession.

- Reasons for Decision

11. The arrears in this case are very high and there has been no information presented to the Tribunal to suggest it is not reasonable to grant and order for possession. Grounds 8, 11 and 12 of Schedule 5 to the Act are made out. An order for possession should therefore be made.

- Decision

Order for possession granted.

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.

Legal Member: Mr Nairn Young

Date: 18th October 2022