

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/22/3076

Re: Property at 2/3 112 Nithsdale Road, Glasgow, G41 5RA (“the Property”)

Parties:

Mr Anthony Saunders, Mrs Stella Saunders, 3 Woodburn Avenue, Clarkston, Glasgow, G76 7TZ (“the Applicant”)

Ms Helen MacGregor, 2/3 112 Nithsdale Road, Glasgow, G41 5RA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order.

Background

The Applicant seeks an Eviction Order on the basis of Ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, rent statements, the notice to leave relied on with proof of service, evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) Scotland Regulations 2020* and s11 of the Homelessness (etc) (Scotland) Act 2003.

There had been a Case Management Discussion on 8 December 2022. The Respondent had appeared on that occasion and acknowledged that the rent arrears of £2,500.00 founded upon were lawfully due but unpaid. The Tribunal had allowed the Respondent time to take advice and to try and sort out her finances by seeing if she was eligible for

any additional funding or benefit entitlements. Directions had been made to that effect. Nothing further was then heard from the Respondent.

The Case Management Discussion

The Application called again for a Case Management Discussion (CMD) by conference call at 10 am on 7 March 2023. The Applicants were again represented by Ms Donnelly of TC Young Solicitors. This time there was no appearance by or on behalf of the Respondent. Ms Donnelly confirmed that there had been no substantive communication directly between the parties regarding the rent arrears which remained at £2,500.00. There was nothing before the Tribunal to suggest that the Respondent had taken advantage of the opportunity allowed by the Tribunal to seek further advice about her benefits or additional sources of funding.

Having heard from Ms Donnelly and having considered the Application, the Tribunal made the following findings in fact:

- I. *The parties entered into a tenancy agreement whereby the Applicants let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement which commenced on 3 December 2020;*
- II. *The contractual monthly rent was £500.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *On 28 July 2023 the Applicants competently served a notice to leave on the Respondent in terms of Ground 12 of Schedule 3 of the Act. At that point ground 12 of Schedule 3 was established;*
- V. *The Applicants have complied with The Rent Arrears Pre-Action Requirements (Coronavirus) Scotland Regulations 2020 and s11 of the Homelessness (etc) (Scotland) Act 2003;*
- VI. *As at today's date, the Respondent owes the Applicants the sum of £2,500.00 as rent arrears which are lawfully due but remain unpaid;*
- VII. *There is nothing to suggest the Respondent has done anything to assist herself in checking her entitlement to additional benefits or additional sources of funding;*
- VIII. *Ground 12 of Schedule 3 of the Act remains established. It is reasonable that the Tribunal grants an Eviction Order.*

Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made an Eviction Order.

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.

A McLaughlin

Legal Member/Chair

7 March 2023

Date