



**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/23/1260**

**Re: Property at Flat 2, Westwood House, 498 Gorgie Road, Edinburgh, EH11 3DZ (“the Property”)**

**Parties:**

**Lar Housing Trust, F3 Buchan House, Enterprise Way, Fife, Dunfermline, KY11 8PL (“the Applicant”)**

**Ms Shona Potts, Flat 2, Westwood House, 498 Gorgie Road, Edinburgh, EH11 3DZ (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

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

**Background**

[1] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act. The Application had called for a Case Management Discussion previously on 12 July 2023. The Respondent’s representative had asked for more time to consider whether there was any potential defence to the Application.

[2] The Tribunal continued the Application and made a Direction that any defence to be relied on should be produced within 21 days. Nothing further was received and the Respondent's representative subsequently withdrew from acting.

### **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) at 10 am on 28 September 2023. The Applicant was again represented by Ms Mullen of TC Young. The Respondent was personally present on the call. The Tribunal discussed all aspects of the Application with both parties. Having done so, the Tribunal made the following findings in fact.

#### **Findings in Fact**

- I. *The Applicant let the Property to the Respondent by virtue of a private Residential Tenancy;*
- II. *The contractual monthly rent is £854.90;*
- III. *The Respondent has had chronic issues paying her rent consistently and has entered into and failed to implement 15 separate payment plans offered to her by the Applicant;*
- IV. *The Respondent earns £23,000.00 a year but frequently pays nothing herself to her rent with the only payments received by the Applicant coming from the Respondent's direct Universal Credit payments made to the Applicant;*
- V. *On 12 December 2022, the Applicant competently served a Notice to Leave under ground 12 of Schedule 3 of the Act;*
- VI. *The Respondent has complied with s11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- VII. *The Respondent's representative withdrew from acting for her because of a lack of engagement;*
- VIII. *The Respondents current arrears are £1,746.85;*
- IX. *Ground 12 of Schedule 3 remains established.*
- X. *It is reasonable that an Eviction Order is granted.*

## **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal granted 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.



**Legal Member/Chair**

28 September 2023

**Date**