



**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/23/1350**

**Property: 44 Fenwick Drive, Barrhead, G78 2LB (“Property”)**

**Parties:**

**Russell Sneddon and Angela Sneddon, The Dam House, Gateside Road, Barrhead G78 1TT (“Applicant”)**

**The Property Store EK Ltd, 6 Hunter Street, East Kilbride G74 4LZ (“Applicant’s Representative”)**

**Kaylee Buchanan, 44 Fenwick Drive, Barrhead G78 2LB (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)  
Leslie Forrest (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for possession of the Property should be made.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Private Residential Tenancy Agreement dated 3 August 2019; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 7 March 2023 ("Notice to Leave"); copy email dated 7 March 2023 attaching the Notice to Leave; rent statement; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 12 April 2023 and communications to the Respondent regarding arrears dated 11 and 15 November and 9 December 2022. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 1 August 2023.

## **Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 31 August 2023 by teleconference. Rachel Trevithick of the Applicant’s Representative was in attendance. There was no appearance by the Respondent.

Ms Trevithick told the Tribunal that she had visited the Property within the last few months. The Respondent told her that she had been in touch with the local authority about alternative accommodation but they had told her to wait until an eviction order was granted. She said that the Respondent is not in employment and lives in the Property with two children of primary school age. She said that she had sought to put in place payment plans but the Respondent had told her she could not afford to pay any more. She said that since April 2023 £450 per month was being paid by universal credit for the rent with a further £36.87 per month towards the arrears which are currently £1,291.03. She said that the Respondent had not engaged with her regarding any support services.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 3 August 2019 ("Tenancy Agreement").
2. The Notice to Leave was served by email on 7 March 2023.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 12 April 2023.
4. At the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.

## **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 12 which states:

- "(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months."

The Tribunal considered the statement of rent arrears provided and determined that the ground for eviction had been established. In the absence of any submission by the Respondent that it would not be reasonable to grant an order for eviction, the Tribunal determined that it was reasonable to issue an eviction order.

### **Decision**

The Tribunal grants an order for possession of the Property.

### **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.**

**Joan Devine**

**Joan Devine  
Legal Member**

**Date: 31 August 2023**