



**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/23/1656**

**Re: Property at 11 0/2 Honeybog Road, Glasgow, G52 4EH (“the Property”)**

**Parties:**

**Ducks Hill Properties Ltd, Unit 35 Rural Enterprise Centre Stafford Drive, Shrewsbury, SY1 3FE (“the Applicant”)**

**Robert Brown, 11 0/2 Honeybog Road, Glasgow, G52 4EH (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
2. By decision dated 14 June 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 15 June 2023. The Tribunal intimated the application to the parties by letter of 4 July 2023 and advised them of the date, time and conference call details of today’s CMD. The information provided by the Applicant’s representative was to the effect that the Respondent has a sight impairment. The Tribunal issued the letter and copy application to the Respondent in braille. In the letter, the

parties were told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 25 July 2023. No written representations were received.

4. On 20 July 2023, the Tribunal received an updated rent statement from the Applicant's representative. A copy of that was sent to the Respondent in braille.

#### **Case management discussion 10 August 2023**

5. The Applicant was represented by Mr Gray. The CMD took place by conference call and proceeded in the absence of the Respondent. The Applicant's representative explained that the Respondent has not engaged with the Applicant or the Applicant's representative. The Respondent is believed to live alone in the property. The rental payments which have been made are believed to have come from benefits to which the Respondent is entitled. However, the Respondent has not made any arrangement to make up the shortfall in rent and has not made any payment to the rent account since 5 May 2023. The rent arrears have increased to £4,150.24.

#### **Findings in Fact**

6. The Respondent entered into a private residential tenancy which commenced 10 May 2021.
7. The Applicant served a Notice to Leave on the Respondent by sheriff officer on 1 April 2023.
8. The Respondent has been in rent arrears over more than 3 consecutive months.

#### **Reason for Decision**

9. The Tribunal proceeded on the basis of the written documents which were before it and submissions made at the CMD. The Applicant invited the Tribunal to make the Order sought.
10. The Respondent has been in arrears of rent for some time and now owes the equivalent to more than 6 months' rent. The Respondent failed to lodge written submissions and failed to participate in the CMD. There was nothing to indicate that the Respondent disputed the accuracy of the rent statement. The Tribunal was satisfied that ground 12 of the 2016 Act was established and that it was reasonable to grant the order evicting the Respondent from 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.**

**Nicola Irvine**

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**Legal Member/Chair**

**10 August 2023**  
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**Date**