



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/22/2513

Re: Property at 7 Oban Court, 2/2, North Kelvinside, Glasgow, G20 6AS (“the Property”)

Parties:

Ms Tracy Quinn, 24 Fuchsia Drive, Renmore, Galway, H91 D6CX, Ireland (“the Applicant”)

Mr Jordan Thomson, 7 Oban Court, 2/2, North Kelvinside, Glasgow, G20 6AS (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 22nd July 2022. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 that the Respondent did not maintain rent payments.
2. On 22nd September 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 4th November 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 13th October 2022.

3. On 23rd September 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 23rd September 2022.
4. On 3rd November 2022, the Applicant's representative emailed the Housing and Property Chamber to inform that an agreement had been met between the parties. The Respondent had instructed a solicitor. It had been agreed that the Respondent consented to an order for eviction on the basis that the eviction is delayed for six weeks from the date of the CMD.
5. This case is conjoined with FTS/HPC/CV/2515.

The Case Management Discussion

6. A CMD was held 4th November 2022 at 10am by teleconferencing. The Applicant was represented by Ms Kirstie Donnelly, solicitor, TC Young. Ms Donnelly appeared on behalf of both parties.
7. Ms Donnelly confirmed the contents of her email of 3rd November 2022 that the granting of an eviction order was by consent. Ms Donnelly asked that extract not be granted before 16th December 2022 as this date has been agreed by parties. The Respondent is to leave on or before this date.
8. The Tribunal was satisfied that parties were in agreement and it was appropriate to grant an order for eviction.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 27th June 2019.
10. The Respondent persistently failed to pay his rent charge of £645 per month. The rent payments are due to be paid on 27th day of each month.
11. Arrears accrued to more than three months rent payment at the date of application and was more than one months rent payments at the date of the hearing.
12. The arrears sought total £9220. The Tribunal was satisfied that the Respondent had been aware that a higher amount was being sought in the application.
13. The Respondent consented to an eviction order.

Decision

14. The Tribunal found that ground 12 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

Legal Member/Chair

4th November 2022

Date