



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

Reference number: FTS/HPC/EV/21/2177

Property: 79 Whitehurst, Bearsden, Glasgow, G61 4PG

Parties:

Matra Property Ltd, a company incorporated under the Companies Acts and having their place of business at 6th Floor, 145 St Vincent Street, Glasgow, G2 5JF ("the Applicant")

Yvonne Loen, residing at 79 Whitehurst, Bearsden, Glasgow, G61 4PG ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)
Angus Lamont (Ordinary Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

Background

The Applicant sought recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant had lodged Form E with the Tribunal on 5 September 2021. The documents produced were a Tenancy Agreement, a Notice to leave, served on 25 February 2021, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 2.00pm on 18 January 2021. The Applicant was represented by Ms E Hamilton of Fineholm Letting Services Ltd. The hearing was delayed to allow sufficient time for the respondent to participate, but there was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy Agreement for the Property dated 11 January 2019. The respondent took entry to the property on the same day.
2. The rent in terms of the Tenancy Agreement was £650 per month.
3. The respondent failed to maintain prompt and regular payments of rental. She stopped paying rental altogether in March 2021. At the date the application was submitted there were arrears of rent totalling £10,350, which is more than 3 months' rent. There are now arrears of rental totalling £12,950.00.
4. On 25 February 2021 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 5 September 2021, the applicant submitted an application to the tribunal.
5. The Applicant seeks recovery of possession of the Property in terms Ground 12 of part 3 of schedule 3 to the 2016 Act. The rental was 10 months in arrears at the date the application was submitted. Rental is now 14 months in arrears.
6. The respondent offers no resistance to this application. Sheriff Officers served notice of this hearing on the respondent on 10 December 2021.
7. There is no suggestion that the respondent is in arrears of rent either wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. It is not argued that it is unreasonable to grant an order for repossession of the property. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in in terms Ground 12 of part 3 of schedule 3 to the 2016 Act is

established. The respondent offers no defence to the application. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P. Doyle

18 January 2022

Legal Member