



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/21/3194

Re: Property at Flat 22F Prospecthill Street, Greenock, PA15 4DL ("the Property")

Parties:

Galson Properties (Greenock) Limited, 18 Nicholson Street, Greenock, PA15 1JU ("the Applicant")

Mr Robert Temporal, Flat 1 Up Right otherwise Flat F, 22 Prospecthill Street, Greenock, PA15 4DL ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 12 May 2022, the Applicant was in attendance represented by Mr Stuart McTavish and was legally represented by Ms Melissa Wilson of Patten & Prentice LLP, Solicitors, Greenock. The Respondent was neither present or represented and had lodged no written representations.

The CMD was in respect of this matter and the related case bearing reference FTS/HPC/CV/21/3195.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Prior to the CMD the Tribunal had received two emails with enclosures from Patten & Prentice LLP dated 8 April and 5 May 2022.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that:-

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 28 March 2020.
- ii. The rent payable in terms of the PRT is £275 per month.
- iii. The rent arrears due as at the date of the application are £5,500.00.
- iv. That on 8 June 2021, the Applicant's agent served on the Respondent by personal delivery a Notice to Leave requiring the Respondent remove from the Property by 9 December 2021 on the basis that rent arrears had accrued over three consecutive months.
- v. That on 22 December 2021 the Applicant's agent wrote to the Respondent with a copy of the PRT, an up to date rent statement and a copy of a Scottish Government leaflet entitled "Private Rented Sector Tenant Support".
- vi. That the Applicant's agent has served on Inverclyde Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

At the CMD Ms Wilson for the Applicant made the following representations in respect of this application and the associated application FTS/HPC/CV/21/3195:-

- i. The rent arrears balance as at today's date is £6,875.00.
- ii. The Respondent has paid no rent since the start of the PRT.
- iii. No deposit was paid by the Respondent.
- iv. The Respondent has not engaged with the Applicant or it's agent throughout the duration of the PRT.
- v. The Respondent may have absconded.
- vi. The Applicant's agent has previously required to evict the Respondent for two other clients.
- vii. The Applicant seeks an eviction order.

Mr McTavish for the Applicant also stated:-

- i. That he does not believe the Respondent has any dependents staying with him at the Property.
- ii. That the Respondent was in employment at the outset of the PRT;
- iii. That the Respondent has not engaged with the Applicant directly.

Findings in Fact

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 28 March 2020.
- iii. The rent payable in terms of the PRT is £275 per month.
- iv. The rent arrears due as at the CMD are £6,875.00.
- v. That on 8 June 2021, the Applicant's agent served on the Respondent by personal delivery a Notice to Leave requiring the Respondent remove from the Property by 9 December 2021 on the basis that rent arrears had accrued over three consecutive months.
- vi. That on 22 December 2021 the Applicant's agent wrote to the Respondent with a copy of the PRT, an up to date rent statement and a copy of a Scottish Government leaflet entitled "Private Rented Sector Tenant Support". That letter was sufficient to comply with the Rent Arrears Pre-Action Requirements (Coronavirus)(Scotland) Regulations 2020.

- vi. That the Applicant's agent has served on Inverclyde Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vii. That the Respondent has not engaged with the Applicant or its agent.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally at the CMD was not challenged and was accepted by the Tribunal.

The rent arrears are substantial and reflect the Respondent having paid no rent to the Applicant throughout the entire duration of the PRT.

The Tribunal considered whether or not it would be reasonable to grant an eviction order and determined that it is reasonable to grant an eviction order under Ground 12 of Schedule 3 of the 2016 Act.

Decision

The Tribunal grants an order for the Respondent's eviction 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.

G Buchanan



Legal Member/Chair

12 May 2022
Date