



**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/21/1056**

**Re: Property at 7 Crown Avenue, Flat 1/2, Clydebank, G81 3AL (“the Property”)**

**Parties:**

**Mr Roopesh Nahar, Mrs Laura Nahar, Happy Lets Limited, 1287 Argyle Street, Glasgow, G3 8TL (“the Applicants”)**

**Miss Nicola McGowan or Laurenson, 7 Crown Avenue, Flat 1/2, Clydebank, G81 3AL (“the Respondent”)**

**Tribunal Member:**

**Nicola Irvine (Legal Member)**

**Decision**

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

**Background**

- [1] The Applicants submitted an application seeking an order to evict the Respondent from the property. The Tribunal issued a letter to the parties dated 9 June 2021 advising them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also 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 30 June 2021. No written representations were received by the Tribunal.

### **The Case Management Discussion**

- [2] The Applicants were represented by Miss Currie and the Respondent participated in the case management discussion which took place by conference call. The Respondent advised that she has changed her surname to Laurenson. This case was heard alongside a related case which proceeds under chamber reference FTS/HPC/CV/21/1058.
- [3] The Applicants sought the order for eviction on the basis of ground 12 of schedule 3 of the 2016 Act. The Respondent was unable to dispute the rent ledger lodged by the Applicants. The Applicants' representative submitted that the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 had been complied with; the Applicants' representative sent several emails to the Respondent providing links to websites providing details of benefits and funds available to tenants who are unable to afford housing costs. It was submitted that it was reasonable in all the circumstances for the Tribunal to grant the order for eviction.

### **[4] Findings in Fact**

- i. The parties entered into a Tenancy Agreement dated 14 November 2019 which commenced 15 November 2019.
- ii. The rent payable was £575 per month, payable in advance.
- iii. The Applicants served Notice to Leave on 7 July 2020.
- iv. The Applicants complied with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020
- v. The Respondent has been in arrears of rent for a period in excess of 3 months.

### **Reason for Decision**

- [5] The Tribunal proceeded on the basis of the written documents which were before it and the submissions made at the case management discussion. The Respondent was unable to dispute the rent ledger lodged on behalf of the Applicants. The level of rent arrears equates to more than 13 months of missed payments in respect of the rent due. The Applicants representative invited the Tribunal to make the Order sought. The Applicants relied upon Ground 12 of Schedule 3 of the 2016 Act. The Notice to Leave had been served. The Tribunal was satisfied that Ground 12 had been established, and that it was reasonable in all the circumstances to grant the order sought. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

## **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.**

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**Legal Member/Chair**

**15 July 2021**  
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**Date**