



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/21/1567

Re: Property at Flat 0/2, 4 Bridgend Road, Elderslie, PA5 9EJ (“the Property”)

Parties:

Mr Surjit Singh, 11 Barnhill Drive, Newton Mearns, G77 5FY (“the Applicant”)

Mr David Trotter, Flat 0/2, 4 Bridgend Road, Elderslie, PA5 9EJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Mike Scott (Ordinary Member)

Decision

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 seeking an order to evict the Respondent from the property. The Tribunal issued a letter to the parties dated 18 August 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 8 September 2021. No written representations were received by the Tribunal.

The Case Management Discussion

- [2] The Applicant's representative, Ms Deans, and the Respondent participated in the case management discussion which took place by conference call.
- [3] The Applicant's representative advised that since the rent statement was lodged in July, rent arrears have increased. The Respondent accepted that he had incurred rent arrears and confirmed that the most recent rent statement lodged was accurate. He advised that he was in the process of moving out the property and intends to return the keys to the Applicant's representative today. The Respondent did not oppose the application for eviction.
- [4] The Applicant sought the order for eviction on the basis of ground 12 of schedule 3 of the 2016 Act. It was submitted that it was reasonable in all the circumstances for the Tribunal to grant the order for eviction.

Findings in Fact

- i. The parties entered into a Tenancy Agreement which commenced 22 December 2017.
- ii. The rent payable was £500 per month, payable in advance.
- iii. The Applicant served Notice to Leave by recorded delivery on 11 December 2020.
- iv. The Applicant wrote to the Respondent offering an opportunity to pay rent arrears by instalments.
- v. The Respondent has been in arrears of rent for a period in excess of 3 months.

Reason for Decision

- [6] 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 accepted that he had incurred rent arrears and did not oppose the application. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant 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.

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

Legal Member/Chair

Date **20 September 2021**