



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/22/0792

Re: Property at 38 Whirlow Road, Ballieston, Glasgow, G69 6QF (“the Property”)

Parties:

Mr Alan Adie, A A Properties, 160 Wishart Street, Glasgow, G31 2HT (“the Applicant”)

Ms Sarah Bolland, 38 Whirlow Road, Ballieston, Glasgow, G69 6QF (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)

Decision in the absence of the Respondent

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 under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property
2. By decision dated 3 May 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 4 May 2022. The Tribunal intimated the application to the parties by letter of 21 May 2022 and advised 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 11 June 2022. No written representations were received by the Tribunal.

The case management discussion

4. The Applicant was represented by Mr Caldwell. The case management discussion took place by conference call and proceeded in the absence of the Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPS/CV/22/0794. The Applicant's representative explained that he has been in email correspondence with the Respondent for some time and that she indicated her intention to vacate the property. The Respondent and her three children are believed to have vacated the property on Saturday, albeit the keys have not been returned to the Applicant's letting agent. The Respondent has been in arrears of rent for many months; the Applicant's letting agent applied for direct payments to be made from the housing element of the Respondent's universal credit claim. Those payments have now ceased and it is believed the Respondent has secured alternative accommodation. As at today's date, the rent arrears due by the Respondent have increased to £9,870.08. The Applicants' representative submitted that it was reasonable in all of the circumstances to grant the order for eviction.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 1 November 2018.
6. The Applicant's representative served the Notice to Leave on the Respondent by email on 6 September 2021.
7. As at the date of the Notice served, the Respondent was in arrears of rent for more than 3 consecutive months.
8. As at the date of this case management discussion, the Respondent was in arrears of rent for more than 3 consecutive months.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent failed to submit written representations and failed to participate in the case management discussion. The Respondent received the notice to leave 10 months ago. The updated rent statement lodged demonstrated that there are significant arrears of rent. There was no material before the Tribunal to indicate that the Respondent disputed the level of rent arrears. The Respondent indicated her intention to leave the property and she is believed to have vacated

the property in the last few days. The Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent 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.

Nicola Irvine

Legal Member/Chair

Date: 11 July 2022