



**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/22/3024**

**Re: Property at Flat 1/2, 202 Glasgow Road, Dumbarton, G82 1DR (“the Property”)**

**Parties:**

**Mr Alan Lennie, 207 Benfieldside Road, Shotley Bridge, Consett, DH8 0RA (“the Applicant”)**

**Ms Stephanie Thomas, Flat 1/2, 202 Glasgow Road, Dumbarton, G82 1DR (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Elizabeth Currie (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 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 21 March 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 21 March 2023. The Tribunal intimated the application to the parties by letter of 14 April 2023 and advised them of the date, time and conference call details of today’s CMD. 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 5 May 2023. No written representations were received.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant was represented by Mr Niblett and the Respondent joined the conference call personally. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/22/3025. The Applicant's representative explained that the Notice to Leave was served on the Respondent by recorded delivery on 15 July 2022. The rent arrears have increased to £5,275 and there have been no proposals to repay the arrears. The Respondent accepted that she received the Notice to Leave in July 2022 and accepted that she owes rent arrears of £5,275. The Respondent's personal circumstances are such that she lives alone in the property and she is in employment. She intends to repay the rent arrears by instalments, although was not in a position to make a proposal to repay right now. The Respondent has been in contact with the local authority and has been told that alternative accommodation will not be identified for her unless and until an eviction order is granted. The Respondent was not opposed to an eviction order being granted.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 2 January 2020.
6. The contractual monthly rent is £475, payable in advance.
7. The Applicant's representative served the Notice to Leave on the Respondent on 15 July 2022 by recorded delivery post.
8. The Respondent has been in arrears of rent for a continuous period 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 CMD. The Respondent accepted that she has incurred rent arrears and was not opposed to an eviction order being granted. The updated rent statement lodged demonstrated that there are more than 11 months' worth of rent arrears outstanding. The Tribunal was satisfied that the ground for eviction was established and 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.

# N Irvine

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Legal Member/Chair

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17 May 2023

Date