



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/19/0204

Re: Property at G/02, 120 Neilston Road, Paisley, PA2 6EP (“the Property”)

Parties:

ADELPHI SCOTT LIMITED, 19 Adelphi, Aberdeen, AB11 5BL (“the Applicants”)

Mr Lorne Munro, G/02, 120 Neilston Road, Paisley, PA2 6EP (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for the respondent’s eviction from the property at G/02 120 Neilston Road Paisley PA2 6EP be made on the basis of ground 12 of schedule 3 of the Act since the respondent has accrued arrears of rent by an amount equal to or great then one month’s rent and has been in arrears of rent for a continuous period of three or more consecutive months.

This was a case management discussion ‘CMD’ in connection with an application in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Rules, ‘the rules’ and s51 of the Private Housing (Tenancies) (Scotland) Act 2016, ‘the Act’. The tribunal had before it the following copy documents:

1. Application dated 16 January 2019 and received on the 22 January 2019..
2. Notice to leave dated 12 December 2018.
4. S11 notice to local authority.
5. Proof of service of items 2 by sheriff officer dated 13 December 2018..
7. Tenancy agreement.
8. Email from respondent dated 25 January 2019.
9. Sheriff Officer’s execution of service on respondent dated 26 February 2019.

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11. Letters sent by applicants' agents to the respondent regarding rent arrears dated from 18 September 2018 to 15 January 2019.

13. Land certificate.

Ms Elle Piaget from Core Citi Limited attended the CMD on behalf of the applicants. There was no appearance by the respondent and he was not represented. The tribunal had sight of the sheriff officer's execution of service (item 9 above) and was satisfied that the terms of rule 24 regarding notice had been complied with. The tribunal proceeded with the CMD in terms of rule 29.

Discussion

Ms Piaget made reference to the terms of the notice to leave and the rent schedule. She stated that the current arrears are £1368.81. She stated that the last payment made by the respondent was the sum of £131.19 paid around October 2018. It was her understanding that this was in relation to a payment of universal credit. She was not aware of a continuing claim and was not aware that the arrears were in relation to any delay in any benefits claim made by the respondent.

Findings in fact

1. The applicants are the owners of the property.
2. The applicants entered into a private rented tenancy agreement with the respondent for let of the property in August 2018.
3. The monthly rental payment agreed was £250.
4. Rent arrears have accrued since September 2018.
5. The respondent was served with a valid notice to leave dated 12 December 2018 on the 13 December 2018.
6. The rent arrears as at the date of the notice to leave were £868.81.
7. The rent arrears as at the 15 March 2019 are £1368.81.
8. The sum of £1368.81 is in excess of one month's rent.
9. The respondent has been in rent arrears for a continuous period in excess of three consecutive months.
10. The rent arrears are not wholly or partly as a result of a delay or failure in the payment of a relevant benefit.

Reasons

The tribunal is satisfied that the respondent has received notice of today's CMD in terms of rule 24. The tribunal proceeded with the CMD in the respondent's absence in terms of rule 29. The tribunal considered that it had enough information before it

today to make a decision and the procedure has been fair. The tribunal considered the documents lodged including the rent schedule. The information lodged gives details of the rent arrears. The respondent has been in rent arrears since September 2018 and the only payment that has been paid since then is the sum of £131.19 paid around October 2018. The mandatory ground 12 is clearly met. The tribunal was satisfied that the terms of s51 of the Act had been complied with and that on the information available, the rent arrears were not as a result of any delay or failure in the payment of a relevant benefit. The tribunal accordingly granted the mandatory 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.

Ms Lesley Ward

15 March 2019

Lesley A Ward Legal Member

Date