



**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/23/2000**

**Re: Property at 20 Viewbank Avenue, Airdrie, North Lanarkshire, ML6 9TJ (“the Property”)**

**Parties:**

**Mr Gavin Farquhar, Mrs Kerry Farquhar, Drummond Cottage, Cummington, IV30 5XY (“the Applicants”)**

**Ms Gillian Bradley, 20 Viewbank Avenue, Airdrie, North Lanarkshire, ML6 9TJ (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of her private residential tenancy agreement with the Applicants. It called for a case management discussion (‘CMD’) at 10am on 16 October 2023, by teleconference. The Applicants were represented on the call by Mrs Linzi Irvine, of Homes for Good (Scotland) CIC. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulty she may have been experiencing, but there remained no contact from her.

Notice of the CMD was served on the Respondent by sheriff officers on 7 September 2023. The Tribunal was therefore satisfied that the Respondent was aware of the CMD and had chosen not to attend: and that it was therefore fair to proceed in her absence.

- Findings in Fact

1. The Applicants let the Property to the Respondent in terms of a private residential tenancy with a start date of 8 May 2020.
2. In terms of that agreement, the initial rental charge was £495 per month.
3. On 24 April, 2 & 11 May 2023, the Applicants sent letters complying with the pre-action protocol prescribed by the Scottish Ministers.
4. On 19 May 2023, the Applicants sent a notice to leave to the Respondent indicating that they intended to rely on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application for an eviction order to follow.
5. The monthly rent was raised to £509.90, by rent-increase notice, from 4 July 2023.
6. The Respondent has been in arrears of rent since 17 October 2022.
7. As at the date of the CMD, the Respondent is in arrears to the sum of £1,539.43.
8. The Applicants, via their agents, have attempted to engage with the Respondent on several occasions to discuss addressing the arrears, but she has failed to act on any of the advice given or honour any arrangement made.
9. The Respondent is on partial universal credit but has consistently failed to pay the remainder of the rent that is due each month.

10. The Respondent is not due any increase in universal credit, being in part-time employment.

11. The Respondent occupies the Property with her two sons aged approximately 15 and 17.

- Reasons for Decision

12. Ground 12 has been made out. The Respondent has been in arrears for a long time and those arrears are now significant. There has been no real attempt to address them, despite considerable support and understanding on the part of the Applicants. It is therefore reasonable for an eviction order to be granted.

- Decision

Eviction order granted.

### **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

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Date 16<sup>th</sup> October 2023

