



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/23/2248**

**Re: Property at 95 Watson Street, Motherwell, ML1 1YP (“the Property”)**

**Parties:**

**REWD LPB Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3 8BH (“the Applicant”)**

**Mr Craig Brown, Ms Laura Thorburn, 95 Watson Street, Motherwell, ML1 1YP (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction**

**Background**

1. By application dated 7<sup>th</sup> July 2023 the applicant seeks an order for eviction, relying on ground 12A in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 in respect of substantial rent arrears (equivalent to 6 months’ worth of rent).
2. The application was conjoined with application reference FTS/HPC/EV/23/2238 seeking an order for payment of arrears in the sum of £8862.50.
3. The applicant lodged the following documents with the application:
  - Copy tenancy agreement

- Letter to the respondent with Notice to Leave and Guidance dated 23<sup>rd</sup> May 2023 with proof of delivery
  - Rent statements
  - Pre action letters to the respondents dated 27<sup>th</sup> June 2023 and 4<sup>th</sup> July 2023
  - Notice under section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. A case management discussion (“cmd”) was assigned for 7<sup>th</sup> November 2022.

#### **Case management discussion – 7<sup>th</sup> November 2022- teleconference**

5. The applicant was represented at the cmd by Mr Rennie, solicitor of Anderson Strathern LLP. The respondents were not present or represented. The Tribunal was satisfied that proper notice of the cmd had been given to the respondents and in particular, Sheriff Officers had served relevant papers personally on the respondents. The Tribunal determined to proceed with the cmd in the respondents absence in terms of Rule 29.
6. Mr Rennie advised that arrears had increased to £8,862.50. He explained that as per the rent statements which had been lodged, the respondents had not paid any rent since July 2022. Mr Rennie advised that to his knowledge the respondents were still resident in the property. The information he had did not show that anyone else resided in the property with the respondents. He advised that the respondents had not engaged with the applicant despite repeated letters from the applicants. Mr Rennie highlighted that the respondents had received further intimation of the cmd following sheriff officers service, when they had been intimated with a request to amend the amount being sought but had still not responded.
7. Mr Rennie was not certain if the tenants had been in receipt of benefits but explained that they had been provided with guidance on how to seek advice in the pre action letter if there had been outstanding benefits issues.

#### **Findings in fact**

8. Parties entered into a tenancy agreement with a commencement date of 21<sup>st</sup> July 2021.

9. Monthly rent due in terms of the agreement was £525.
10. Arrears as at September 2023 amounted to £8,862.50
11. The applicant complied with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.
12. Ground 12A, in schedule 3 of the 2016 Act has been established.

### **Reasons for the decision**

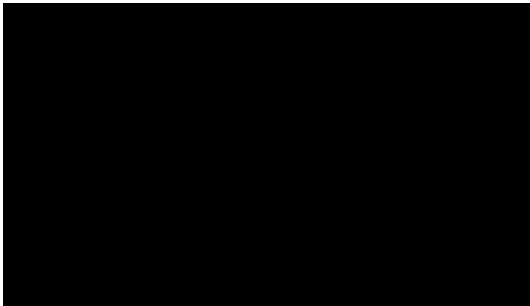
13. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account Mr Rennie's submissions at the cmd.
14. The Tribunal determined that the correspondence sent to the respondent complied with the pre-action requirements. The respondent had been provided with information relating to the rent arrears and guidance on how to access assistance.
15. The Tribunal was satisfied that the arrears at the property amounted to £8,862.50 as at the date of the cmd and that as the amount of arrears was greater than 6 months' rent both at the date of the notice to leave and the date of the cmd, ground 12A had been established.
16. The Tribunal required to consider whether it was reasonable to grant an order for eviction. The Tribunal took into account the information provided by Mr Rennie. The Tribunal noted that there was a lack of information regarding the personal circumstances of the respondents such as confirmation of who was living in the property and details regarding benefits eligibility. The Tribunal noted the high level of arrears, which continued to rise and that no contact or payment had been made by the respondent for a considerable period of time. The Tribunal accepted Mr Rennie's submission that there had been no engagement from the respondents to try and address the issue with the rent arrears. The Tribunal took into account that the respondents had not taken any steps to oppose the application or lodge a defence.
17. In the foregoing circumstances the Tribunal determined that it was reasonable to grant an order for eviction.

### **Decision**

**The Tribunal determined to grant an order for eviction.**

### **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.**



**6<sup>th</sup> November 2023**

**Date** \_\_\_\_\_