



**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 (Act)**

**Chamber Ref: FTS/HPC/EV/23/2392**

**Re: Flat 1/1 53 Kilmany Drive, Glasgow, G32 7DH (“the Property”)**

**Parties:**

**Rym Assests Ltd (Applicant)  
Mr Thomas Brown (Respondent)**

**James & George Collie LLP (Applicant’s Representative)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Helen Barclay (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted.**

**Background**

This was an application under Rule 109 and section 51(1) of the Act for eviction and recovery of possession on Grounds 12A of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 19 July 2023;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 May 2019;
3. Notice to Leave served by Sheriff Officer on 21 June 2023;
4. Pre-action correspondence;
5. Section 11 Notice to Local Authority;
6. Email dated 19 July 2023 to Local Authority serving Section 11 Notice;
7. Rent Arrears Statement as at 1 June 2023;

8. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 6 September 2023.

### **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 13 October 2023. The Applicants did not participate but were represented by their Solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicants' Representative confirmed that the amount of arrears had increased to £6,750 as at 13 October 2023.

The Tribunal explained that it would still have to be satisfied that it was reasonable to grant the order sought.

The Applicants' Representative then addressed the Tribunal on the issue of reasonableness. She drew attention to the updated amount of rental arrears. The rent arrears were increasing and no rent was being paid.

The Applicant's Letting Agent confirmed to the Applicant's solicitor that the Respondent lived in the Property on his own. They suspected he had actually left the Property but could not confirm this. Beyond that they had little information about the Respondent's circumstances.

The Tribunal then considered the documentary and oral evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 1 May 2019;
2. The monthly rent was £450;
3. Notice to Leave had been served on the Respondent on 21 June 2023;
4. As at the date of service of the Notice to Leave the Respondent was in arrears of rent in an amount in excess of 6 months' rent;
5. As at the date of the Hearing the Respondent was in arrears of rent in the sum of £6,750 (which was in excess of 6 months' rent);
6. The rental arrears were not due to any delay or failure in the payment of a relevant benefit;
7. Section 11 notification had been served on the local authority;
8. The Respondent lives in the Property on his own;
9. The Respondent is not paying the monthly rent.

The Tribunal was satisfied that Ground12A had been established and it was reasonable to grant the application for eviction and recovery of possession given the significant rent arrears which continued to increase.

### **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.**



**13 October 2023**

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**Legal Member**

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**Date**