



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 2024

Chamber Ref: FTS/HPC/EV/24/2930

Re: Property at 23 Millhall Court, Plains, North Lanarkshire, ML6 7GF (“the Property”)

Parties:

Mr Robert Gillies, 7/11 Murieston Road, Edinburgh, EH11 2JJ (“the Applicant”)

Mr Stuart Hill, 23 Millhall Court, Plains, North Lanarkshire, ML6 7GF (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 9 December 2024, the Applicant was in attendance. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

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

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 8 July 2022.
- iii. The rent payable in terms of the PRT was originally £470 per calendar month.

- iv. On 26 November 2023, the Applicant served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 27 December 2023 on the basis that rent arrears had accrued over three consecutive months.
- v. As at the date of the Notice to Leave being served the arrears accrued were £2500.
- vi. The Applicant served on North Lanarkshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

At the CMD the Applicant made the following representations:-

- i. A Rent Increase Notice was previously served on the Respondent increasing the rent to £484 per calendar month with effect from November 2023. The Rent Increase Notice was not challenged by the Respondent. The rent remains very cheap for the area.
- ii. The current arrears balance is £7,080.55. The last payment was made on 12 August 2024 in a sum of £127.50. Throughout 2024 the payments made by the Respondent total only £1,593.
- iii. Promises of payment are not kept.
- iv. The pre-action protocol letters dated 21 September, 8 and 18 October 2023 were sent to the Respondent by email.
- v. The Respondent has had every opportunity to resolve the position and the Tribunal application was only made by the Applicant at the last moment.
- vi. The Respondent continues to live in the Property. He lives there alone.
- vii. When contacted by the Applicant the Respondent states he works as a van driver from time to time.
- viii. The Applicant attempted to claim direct payments from Universal Credit but the Respondent is not in receipt of Universal Credit.
- ix. All payments made by the Respondent are from his bank account.
- x. The Applicant has serious health issues and the non-payment of rent is adding to his worries generally.
- xi. The Respondent has approached North Lanarkshire Council for accommodation but will not be offered anything. It is believed the Respondent is looking for another private let.
- xii. The Respondent has no disabilities. He looks fit and healthy.
- xiii. The Applicant seeks an eviction order.

Findings in Fact

The Tribunal made the following findings in fact:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 8 July 2022.
- vii. The rent payable in terms of the PRT was originally £470 per calendar month.
- viii. A Rent Increase Notice was previously served on the Respondent increasing the rent to £484 per calendar month with effect from November 2023. The Rent Increase Notice was not challenged by the Respondent.
- ix. On 26 November 2023, the Applicant served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 27 December 2023 on the basis that rent arrears had accrued over three consecutive months.
- x. As at the date of the Notice to Leave being served the arrears accrued were £2500.
- xi. The current arrears balance is £7,080.55.
- xii. The last payment of rent was made on 12 August 2024 in a sum of £127.50
- xiii. Throughout 2024 the payments made by the Respondent total only £1,593.

- xiv. Promises of payment are not kept.
- xv. The pre-action protocol letters dated 21 September, 8 and 18 October 2023 were sent to the Respondent by email.
- xvi. The Respondent has had every opportunity to resolve the position and the Tribunal application was only made by the Applicant at the last moment.
- xvii. The Respondent continues to live in the Property. He lives there alone.
- xviii. When contacted by the Applicant the Respondent states he works as a van driver from time to time.
- xix. The Respondent is not in receipt of Universal Credit.
- xiv. All payments made by the Respondent are from his bank account.
- xv. The Respondent has no disabilities. He looks fit and healthy.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by him at the CMD was not challenged and was accepted by the Tribunal.

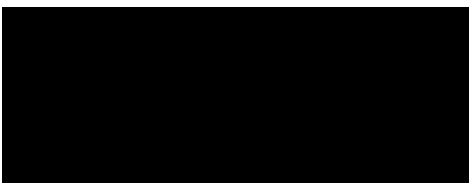
The Tribunal considered whether or not it would be reasonable to grant an eviction order and determined that it is reasonable to grant an eviction order under Ground 12 of Schedule 3 of the 2016 Act on the basis that the rent arrears accrued are significant.

Decision

The Tribunal granted an eviction order in favour of the Applicant.

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.



**Gillian Buchanan
Legal Member/Chair**

**9 December 2024
Date**