



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 19 of the Housing (Scotland) Act 1988 (“The Act”)

Chamber Ref: FTS/HPC/EV/24/5041

Re: Property at 23 Glenside Crescent, West Kilbride, KA23 9AA (“the Property”)

Parties:

Highthorne Properties, The Stables, Highthorne, West Kilbride, KA23 9PT (“the Applicant”)

Mr Ian Roberts, 23 Glenside Crescent, West Kilbride, KA23 9AA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under Section 19 of the Act on the basis that grounds 8, 11 and 12 of Schedule 5 of the Act are established (despite ground 8 having been repealed). The Application was accompanied by a copy of the relevant tenancy agreement; the relevant Form AT6 with Notice to Quit and evidence of service; the relevant notice under Section 11 of the *Homelessness (etc) (Scotland) Act 2003* and evidence of compliance with *The Rent Arrears pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020* and rent statements.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 10am on 2 June 2025. The Applicant was represented by their Letting Agent, Ms Andrea Bell. The Respondent was personally present together with a representative from CHAP, Ms Andrea Gibson.

[4] The Tribunal noted that ground 8 of Schedule 5 of the Act had been repealed but that the Application could still competently proceed on the basis of grounds 11 and 12. The Respondent confirmed that he was not opposed to the Application for an Eviction Order and accepted that he would have to find alternative accommodation. He confirmed that he accepted that he had rent arrears in the sum of £10,702.00. The Respondent explained that he lived alone in the Property and that the arrears had arisen as a result of recent marital difficulties.

[5] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- 1. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Short-Assured Tenancy Agreement within the meaning of the Act;*
- 2. The Respondent fell into rent arrears;*
- 3. The Applicant competently served a notice under Section 19 of the Act on the basis that grounds 11 and 12 of Schedule 5 of the Act were established;*
- 4. Grounds 11 and 12 relied on in the Form AT6 were established at the date of service and remain established.*
- 5. The sum of £10,702.00 is resting owed as rent arrears by the Respondent to the Applicant.*
- 6. The Applicant has complied with The Rent Arrears pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and Section 11 of the Homelessness (etc) (Scotland) Act 2003,*
- 7. The Respondent is not opposed to the Application.*

Reasons for Decision

[6] Having made the above findings in fact, the Tribunal determined that grounds 11 and 12 of Schedule 5 of the Act were established. It was also reasonable to grant the Eviction Order. The Tribunal granted the Application.

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.

Andrew McLaughlin

Andrew McLaughlin
Legal Member/Chair

2 June 2025

Date