

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/2297

Re: Property at 105 Laurel Dr, Wishaw, ML2 7RF ("the Property")

Parties:

Mr Jeremy Finn and Mrs Ruth Finn, c/o Independent MPS, 23 Stirling St, Airdrie, ML60AH; c/o Independent MPS, 23 Stirling Street, Airdrie, ML6 0AH ("the Applicants")

Mrs Michelle MacPherson, 105 Laurel Dr, Wishaw, ML2 7RF ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

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

At the Case Management Discussion ("CMD") on 23 September 2019, the Applicants were represented by Mrs Kirsty Hill of Independent MPS. The Respondent was neither present nor represented.

Background

- The Applicants are the landlords of the Property.
- The Respondent is the tenant of the Property in terms of a Private Residential Tenancy Agreement ("the Agreement") signed on 21 February 2019.
- The start date of the tenancy is stated in the Agreement to be 21 February 2019.
- In terms of the Agreement the rent payable by the Respondent to the Applicants was agreed to be £475 per calendar month payable in advance on the twenty first day of each month.
- As at the CMD the arrears accrued amounted to £2,110.00.

- On 4 April 2019 the Respondent was served with a Notice to Leave in respect of rent arrears then accrued in the sum of £1,900.00.
- Service of the Notice to Leave took place by email in accordance with the terms of the Agreement.
- The Respondent has had due intimation of this application, the papers having been served by Sheriff Officers on 19 August 2019.

The Case Management Discussion

- At the CMD Mrs Hill stated that the last payment received towards rent due was a partial Universal Credit payment of £265.00 on 7 June 2019.
- Prior to that payment, the previous payment was £1,900.00 made by the Guarantor, Mr Angus Macpherson, on behalf of the Respondent on 30 April 2019.
- Mrs Hill stated that the Respondent had never made any payments. All payments were made by Mr Macpherson, the Respondent's husband, from who the respondent is believed to have separated.
- A pattern had developed of arrears accruing and only being paid in response to Notices to Leave served.
- On behalf of the Applicants Mrs Hill sought an order for eviction of the Respondent.

Reasons for Decision

- There exists between the parties a Private Residential Tenancy.
- The Respondent has been in arrears of rent for a continuous period of more than three consecutive months.
- The Respondent is due total arrears of rent that exceed one month's rent.
- The Respondent has been validly served with a Notice to Leave which has expired.
- The Respondent has had due intimation of this application in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.
- The terms of Ground 12 of Part 3 of Schedule 3 of the Act are met and the Tribunal must therefore issue an eviction order.

Decision

The Applicants are entitled to an order for eviction and the Tribunal made an order to that effect.

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

23 September 2019

Date