



**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/19/0321**

**Re: Property at Top Left, 14 Sir Michael Street, Greenock, Inverclyde, PA15 1PL  
("the Property")**

**Parties:**

**Mrs Vanda McKillop Booth Britton, 113B London Road, Northfleet, Kent, DA11  
9LZ ("the Applicant")**

**Miss Tracy Glancy, Top Left, 14 Sir Michael Street, Greenock, Inverclyde PA15  
1PL ("the Respondent")**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that The applicant was entitled to an order for the  
eviction of the Respondent from the property.**

**Background**

1. By application dated 23 January 2019 the Applicant applied to the Tribunal for an order for the eviction of the Respondent from the property on the grounds that: the Respondent had breached terms of her tenancy agreement; that she was in rent arrears over three consecutive months and that she had engaged in anti-social behaviour.
2. The Applicant supplied the Tribunal with copies of the lease, the Notice to Leave, confirmation of service by Sheriff Officers and notes on the Respondent's alleged anti-social behaviour.
3. The Applicant subsequently provided the Tribunal with a copy of a Section 11 Notice sent by the applicant to Inverclyde Council.

4. By Notice of Acceptance dated 18 February 2019 a legal member of the Tribunal accepted the application and a Case Management discussion was assigned to take place on 1 April 2019.
5. Due to there being some uncertainty as to whether the Respondent had been given notice of the Case Management Discussion it was discharged and a fresh date assigned.
6. Intimation of the Case Management discussion was given to the Applicant's representative Ms Alison Hatrick of ISEA limited by post on 13 April 2019 and to the Respondent by Sheriff Officers on 15 April 2019.
7. Prior to the Case Management discussion the Applicant's representative provided the Tribunal with an updated Schedule of rental payments and arrears together with a note of anti-social behaviour incidents alleged to have occurred between 20 October 2018 and 4 May 2019.

#### The Case Management discussion

8. The case management discussion was held at Glasgow Tribunals Centre, 20 York Street, Glasgow on 13 May 2019. It was attended by the Applicant's representative Ms Hatrick. There was no appearance or explanation for her non-appearance from the Respondent. After being satisfied that proper intimation of the case management discussion had been given to the Respondent the Tribunal continued with the proceedings in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations").
9. Ms Hatrick confirmed the Applicant was seeking an order for eviction of the Respondent from the property on essentially two grounds namely that the Respondent was in arrears of rent over three consecutive months and by an amount greater than the equivalent of one month's rent and also because of the numerous complaints of anti-social behaviour that had been made against the Respondent.
10. The Tribunal noted that a Notice to Leave had been served on the Respondent by Sheriff Officers on 12 December 2019. The Respondent had remained in occupation of the property notwithstanding the terms of the Notice to Leave.
11. Ms Hatrick referred the Tribunal to the updated schedule of rental payments and arrears. She explained that the Respondent had retained benefit payments due to meet her rent over several months and this had resulted in arrears building up. An application had now been made for rent to be paid direct but this would not cover the arrears. The arrears stood at £2543.40. The monthly rent was £500.00. The mandatory ground for eviction in terms of Schedule 3 Part 3 Para 12(2) applied.

12. Ms Hatrick referred the Tribunal to the extensive note of incidents of anti-social behaviour recorded between 20 October 2018 and 4 May 2019 involving the Respondent or persons associated with the Respondent. Ms Hatrick voiced the concerns of neighbours regarding the incidents. In Ms Hatrick's submission the incidents referred to along with the failure of the Respondent to pay her rent amounted to sufficient grounds for ending the tenancy and evicting the Respondent.

#### Findings in Fact

13. The parties entered into a Private Residential Tenancy agreement on 1 October 2018.

14. The Tenancy commenced on 3 October 2018 at a monthly rent of £500.00.

15. Sheriff Officers served a Notice to Leave on the Respondent on 12 December 2018.

16. The Respondent has remained in occupation of the property.

17. As at the date of the case management discussion the Respondent was in arrears of rent in the sum of £2543.40.

18. Between 20 October 2018 and 4 May 2019 there have been about 20 complaints of anti-social behaviour made against the Respondent in or around the property.

#### Reasons for Decision

19. The Tribunal was satisfied that the parties had entered into a Private Residential Tenancy Agreement and that a Notice to Leave had been served by Sheriff Officers on the Respondent on 12 December 2018. The Tribunal was also satisfied that notwithstanding the terms of the Notice to Leave the Respondent had remained in occupation of the property.

20. The Tribunal was satisfied from the documentation provided and the submissions by Ms Hatrick that the mandatory ground for eviction as a result of the Respondent accruing rent arrears of £2543.40 had been met. It did not appear to the tribunal given the circumstances explained to it that it was likely that the non-payment was due to a delay or failure in the payment of a relevant benefit.

21. Whilst the Tribunal accepted that there may also be grounds for evicting the Respondent as a result of her alleged anti-social behaviour if proved it would not have been the Tribunal's intention to grant the order on this ground alone without a hearing at which evidence from witnesses could be led. However as the mandatory ground for eviction had been met in respect of the rent arrears it was not necessary to continue the proceedings to determine this ground.

## Decision

22. The Tribunal having been satisfied from the documents provided and the Applicant's and her representative's submissions that the Respondent is in arrears of rent amounting to £2543.40 and the mandatory grounds for eviction being established finds the Applicant entitled to an order for the eviction of the Respondent from the property.

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## 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.

Mr Graham Harding

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Legal Member/Chair

13 May 2019  
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Date