



**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 (“the Act”) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/EV/22/1060**

**Re: Property at Flat 0/2, 41 Barnes Street, Barrhead, Glasgow, G78 1EH (“the Property”)**

**Parties:**

**Re: Property at Flat 0/2, 41 Barnes Street, Barrhead, G78 1EH (“the Property”)**

**Parties:**

**Glasgow Packaging & Print Ltd, 32 Cogan Street, Barrhead, Glasgow, G78 1EJ (“the Applicant”) per their agents PRG Partnership, solicitors, 1, Kilbowie Road, Clydebank, G81 1TL (“the Applicant’s Agents”)**

**Mr Christopher Reed, Flat 0/2, 41 Barnes Street, Barrhead, Glasgow, G78 1EH (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member) and Mary Lyden (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Eviction be granted.**

**Background**

1. By application received between 11 April 2022 and 6 July 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 12 of Schedule 3 to the Act that there are rent arrears over three consecutive months and Ground 11 of Schedule 3 to the Act that the Respondent has breached the terms of the tenancy agreement. The Application comprised a copy of the private residential

tenancy between the Parties, copy rent statements showing rent arrears accruing since July 2020 which is more than three consecutive months, copy correspondence between the Applicant's letting agents and the Respondent meeting the pre-action requirements, photographs of the condition of the Property, copy correspondence from the Applicant's letting agents to the Respondent requesting access to the Property and noting the disrepair of the Property copy Notice to Leave in terms of Ground 12 and Ground 11 of Schedule 3 to the Act and copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to East Renfrewshire Council, being the relevant local authority.

2. The Application was accepted by the Tribunal and a Case Management Discussion (the "CMD") was fixed for 27 September 2022 at 10.00 by telephone conference. The CMD was intimated to the Respondent by Sheriff Officers on 30 August 2022.

### **CMD**

3. The CMD took place on 27 September 2022 at 10.00 by telephone conference. Neither Party took part. The Applicant was represented by Mrs. Jennifer Quinn of the Applicant's Agents. The Respondent was not represented and did not submit any written representations.
4. Mrs. Quinn confirmed the detail of the Application in respect of the rent arrears and the lack of access given to the Applicant and advised that Tribunal that, as far as she knew, the Respondent continued to occupy the Property. She explained that the Respondent was a single man with no dependents who was in and out of casual employment. She stated that she was aware that he was being considered for local authority housing.

### **Findings in Fact**

5. From the Application and the CMD, the Tribunal made the following findings in fact: -
  - i) There is a tenancy of the Property between the Parties at a monthly rent of £300.00;
  - ii) The Respondent has been in arrears of rent since July 2020;
  - iii) Rent in excess of £1,089.18 is due and owing by the Respondent to the Applicant and this amount continues to increase;
  - iv) The Applicant has carried out the statutory processes required by the Act;
  - v) The Respondent is a single person with no dependents who has casual employment from time to time;

### **Issue for Tribunal**

6. Having made the Findings in Fact that the Grounds are established and the statutory process has been followed, the issue for the Tribunal is to determine if it is reasonable to grant the Order. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “*may do anything at a case management discussion .....including making a decision*” adjourned briefly to consider if the information before it at the CMD was sufficient to make a decision without further procedure. The Tribunal took the view that it had sufficient information and so proceeded to determine the Application.

### **Decision and Reasons for Decision**

7. The Tribunal had regard to all the information before it and to its Findings in Fact.
8. The Tribunal then considered if it could be satisfied it is reasonable to issue an eviction order on account of those facts and on all of the information before it. The Tribunal had cognisance of the fact the Application was not opposed by the Respondent and that no written representations had been submitted. The Tribunal had regard to the level of the rent arrears, the length of time over which the rent arrears have accrued and the financial effect this has on the Applicant. The Tribunal was satisfied that, on balance, it is reasonable to issue an eviction order.

### **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.**

**Karen Moore**

**27/09/2022**

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**Legal Member/Chair**

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**Date**