



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/23/1228

Re: Property at 23 Mill Place, Uddingston, Glasgow, G71 7PG (“the Property”)

Parties:

Mr Fraser Jamieson, 23 Fernhill Crescent, Singapore, 259177, Singapore (“the Applicant”)

Mr Paul Brechin, 23 Mill Place, Uddingston, Glasgow, G71 7PG (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

[1] The Applicant seeks an Eviction Order under Ground 12A of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, rent statements, the relevant notice to leave and proof of service together with evidence of compliance with the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.

The Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 29 August 2023. The Applicant was represented by his sister, Ms Laura Jamieson. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been competently served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent. Having heard from Ms Jamieson and having considered all the documentation before it, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement;*
- II. *The contractual monthly rent was £550.00 per month;*
- III. *The Respondent fell into rent arrears;*
- IV. *On 23 January 2023, the Applicant competently served a Notice to Leave under Ground 12 A of Schedule 3 of the Act. The Ground was established as at that date as the Respondent's rent arrears were in excess of six month's worth of rent;*
- V. *The Applicant has complied with the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- VI. *The Respondent's rent arrears have now increased and are now in the sum of £7,151.13;*
- VII. *Ground 12A therefore remains established as at today's date;*
- VIII. *The Respondent is thought to live alone in the Property which he keeps in a very poor condition and which he frequently removes himself from for substantial periods of time;*
- IX. *There is nothing to suggest any reason that might call into question the reasonableness of making an Eviction Order;*
- X. *It is reasonable that an Eviction Order is made.*

Reasons for Decision

[3] Having made the above findings in fact, the Tribunal grants the Application and makes 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.

A McLaughlin

Legal Member/Chair

29 August 2023

Date