

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/23/1687**

**Re: Property at 38B Green Street, Saltcoats, KA21 5HQ (“the Property”)**

**Parties:**

**CLHM Ltd, 36 Clifford Road, Richmond, London, TW10 7EA (“the Applicant”)**

**Mr Garry Manson, 38B Green Street, Saltcoats, KA21 5HQ (“the Respondent”)**

**Tribunal Members:**

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

**Decision**

**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 in that the Respondent is alleged to have fallen into significant rent arrears of at least six months worth of rent. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on with proof of service, rent statements and evidence of compliance with both 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 2pm on 9 August 2023. The Applicant was represented by their letting agent, Ms Deborah Styles. The Respondent was represented by Mr Meek of CHAPS.

[3] Neither party had any preliminary matter to raise and both confirmed that they were content to begin the CMD.

[4] The Tribunal discussed the Application with both parties and considered the reasonableness or otherwise of granting the Application. Having done so, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The parties entered into a Private Residential Tenancy Agreement in which the Applicant let the Property to the Respondent;*
- II. *The contractual monthly rent was £350.00;*
- III. *The Respondent fell into significant rent arrears and now owes the sum of £2,308.30;*
- IV. *The Applicant competently served a notice to leave on the Respondent under ground 12 A of Schedule 3 of the Act;*
- V. *Ground 12 A of the Act was established both at the date of service of the notice to leave and also as at today's date;*
- VI. *The Applicant has competently complied with the requirements of both the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- VII. *The Respondent has no real excuse for the non-payment of rent. The respondent lives alone with no dependents and there were no vulnerabilities identified;*
- VIII. *It is reasonable that an Eviction Order is granted.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal granted the Application and made 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.



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Legal Member/Chair

9 August 2023

Date