



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/22/2411

Re: Property at Flat 3/2, 69 Keal Avenue, Glasgow, G15 6NZ (“the Property”)

Parties:

Lucy Trend, Luana Keddie, 80 Orchy Cres, Bearsden, East Dumbartonshire, G61 1RE; 80 Orchy Crescent, Bearsden, G61 1RE (“the Applicants”)

Amber Milne, Flat 3/2, 69 Keal Avenue, Glasgow, G15 6NZ (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicants. It called for a case management discussion (‘CMD’) at 2pm on 1 December 2022, by teleconference. The Applicants were on the call in person. The Respondent did not call in to the conference and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue she may have been experiencing, but there was no contact from her.

The Respondent received intimation of the CMD on 8 September 2022 by sheriff officers. The Tribunal was satisfied that she was aware of the CMD, but had chosen not to attend, and that it was therefore fair to proceed in her absence.

- Findings in Fact and in Fact and Law
 1. The Respondent occupies the Property in terms of a private residential tenancy agreement with Applicants with a start date of 15 November 2021.
 2. In terms of that agreement, rent of £595 is payable by the Respondent on the 15th day of each month.
 3. On 15 February 2022, the tenant made no payment of rent.
 4. The tenant has not made any payment of rent since 15 February 2022.
 5. The Applicants wrote to the Respondent on 6 March and 27 April 2022 in compliance with the pre-action protocol prescribed by the Scottish Ministers for rent arrears cases.
 6. On 16 May 2022, the Applicants sent a notice to leave to the Respondent by e-mail, stating that they intended to apply to the Tribunal for an eviction order on ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act'), no sooner than 16 June 2022.
 7. On 17 July 2020 the Applicants notified the local authority of their intention to seek eviction of the Respondent in terms of s.11 of the Homelessness etc. (Scotland) Act 2003.
 8. This application was made on 19 July 2022.
 9. Both at the date of service of the notice to leave and at the date of the CMD, the Respondent had been in arrears of rent for more than three consecutive months.

10. The rent arrears stand at £5,950.

11. The Respondent resides alone at the Property.

12. It is reasonable for an order for eviction to be granted on account of the length of time the Respondent has been in rent arrears,

- Reasons for Decision

13. Ground 12 of Schedule 3 to the Act has been established and an order for eviction should therefore be made. In particular, the Tribunal considered that the level of arrears, length of time they had persisted for and lack of any apparent attempt to address them on the part of the Respondent all supported a finding that it is reasonable for an order to be granted.

- Decision

Order for eviction granted.

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.

Nairn Young

1 December 2022

Legal Member/Chair

Date

