



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/19/3435

Re: Property at 10A Milton Street, Airdrie, ML6 6JL (“the Property”)

Parties:

Mr Robert Wilson, 27 Braemar Crescent, Carlisle, ML8 4BH (“the Applicant”)

Ms Courtney Logan, 10A Milton Street, Airdrie, ML6 6JL (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

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

FINDINGS IN FACT

1. The Applicant was the landlord, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy which commenced on 5 September 2018.
2. The rent was £550 per calendar month.
3. The Respondent first entered arrears of rent on 5 May 2019 when she made payment of £300 to the Applicant’s letting agent, which was an underpayment of £250.
4. The Respondent made no further payments towards rent after May 2019.

FINDINGS IN FACT AND LAW

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1. At the beginning of 19 December 2019 the Respondent is in arrears of rent by a sum in excess of one month's rent, has been in arrears for a continuous period in excess of three consecutive months immediately preceding 19 December 2019 and the Respondent's arrears are not wholly or partly a consequence of delay or failure in the payment of housing benefit, such that Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 applies.

STATEMENT OF REASONS

1. This application called before me for a Case Management Discussion on 19 December 2019 at 2.00pm together with the grouped application (Ref: CV/19/3564). The Applicant was represented by Miss Kane of Lyons Davidson Scotland LLP, solicitors. The Respondent was neither present nor represented.
2. Prior to the CMD I received a note to say that the Respondent had called the Tribunal to advise that she would not be attending. It was suggested by her that she did not have child care arrangements in place and would not have access to a telephone. I am told that she did not seek an adjournment of the CMD, although I would not have been sympathetic to such a motion in any case. The Respondent has had a month to make appropriate arrangements for her attendance at the CMD. There being no motion to adjourn, I allowed the CMD to take place in absence of the Respondent.
3. Miss Kane invited me to grant an eviction order. Having reviewed the papers, I was satisfied that the tenancy between the parties was a Private Residential Tenancy with a monthly rent of £550. I was satisfied that the Respondent had underpaid her rent in May 2019 by £250. I was satisfied that the Respondent had not paid any rent since May 2019. I was satisfied that the total sum outstanding as rent arrears as at the date of the Application was £3,000. I was satisfied that the Applicant had given the Respondent a Notice to Leave dated 18 September 2019 on the basis of Ground 12, which was that the Respondent had been in rent arrears for three consecutive months, which by then she had been. I was satisfied that the said Notice to Leave was valid. All of those matters upon which I required to be and was satisfied were set out in the Application. The Respondent has been afforded an opportunity to dispute those matters and has chosen not to avail herself of that opportunity. Accordingly, I take the view that none of those matters are disputed.
4. That being so, I am satisfied that the Respondent has been in arrears for a period in excess of three consecutive months, and that the value of the arrears exceeds one month's rent. That being so, I have no discretion. The ground is mandatory. In the circumstances, I must grant the eviction order. I do so accordingly.

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.

Andrew Upton

Legal Member/Chair

19 DECEMBER 2019

Date