



**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/23/1547**

**Re: Property at 22 Blackhall Street, 1/2, Paisley, PA1 1TG (“the Property”)**

**Parties:**

**Mr Stuart Jamieson, 8 Pinehill Grove, Bangor, Northern Ireland, BT19 6NZ (“the Applicant”)**

**Mr Derek Paton, 22 Blackhall Street, 1/2, Paisley, PA1 1TG (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (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”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
2. By decision dated 19 June 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal intimated the application to the parties by letter of 3 July 2023 and advised them of the date, time and conference call details of today’s CMD. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the

procedure to have been fair. The Respondent was invited to make written representations by 24 July 2023. No written representations were received.

4. On 7 August 2023, the Tribunal received further representations from the Applicant's representative.

### **The case management discussion ("CMD") 8 August 2023**

5. The Applicant was represented by Mrs Jacqueline McLelland and Miss Daryl Harper of Castle Residential. The CMD took place by conference call and proceeded in the absence of the Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/23/1548. The Applicant's representative explained that the arrears of rent have increased since the application was submitted and now total £4,500. The Applicant's representative has attempted to make contact with the Respondent by telephone, text message, email and attendances at the property. The Respondent attended the office of the Applicant's representative in September 2022 advising that he was unemployed but was looking for another job and would try to address the rent arrears. Another meeting was due to take place in July 2023. The Applicant's representative received a telephone call from the Citizens' Advice Bureau advising that the Respondent was not fit to attend the meeting, but that the housing element of the Respondent's universal credit claim would be paid directly to the Applicant. The Applicant's representative applied for direct payments from the Respondent's universal credit claim but was unsuccessful because the wrong national insurance number had been provided. The Respondent is believed to live alone in the property and is believed to be unemployed. The last payment made by the Respondent towards the rent account was in September 2022. The level of rent arrears now equates to 12 months' rent. It was submitted that it was reasonable for the Tribunal to grant an order evicting the Respondent from the property.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 15 October 2021.
7. The Applicant's representative served a Notice to Leave on the Respondent by email on 9 March 2023.
8. The Respondent has accrued rent arrears exceeding the equivalent of 6 months' rent.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the written documents which were before it and submissions made at the CMD. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon

Grounds 12 and 12A of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondent has been continuously in arrears of rent since August 2019. The Respondent has not made payment of rent since September 2022. The tenancy appears to be unaffordable for the Respondent. The Respondent failed to lodge written submissions and failed to participate in the CMD. The Tribunal was satisfied that the grounds of eviction were established and that it was reasonable to grant the order evicting the Respondent from the property.

### **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.**

# **N Irvine**

**Nicola Irvine  
Legal Member/Chair**

**8 August 2023  
Date**