

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/1699

Re: Property at 192 Glasgow Street, Ardrossan, KA22 8EZ ("the Property")

Parties:

Mr Stewart Campbell, 5 Ballyhennan Crescent, Tarbet, G83 7DB ("the Applicant")

Mr Joseph McCulloch, 192 Glasgow Street, Ardrossan, KA22 8EZ ("the Respondent")

Tribunal Members:

Nicola Irvine (Legal 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 for recovery of possession of the property.

Background

The Applicant submitted an application seeking an order to evict the Respondent from the property at 192 Glasgow Street, Ardrossan, KA22 8EZ. The Tribunal issued a letter to the parties dated 30th October 2018 advising them of the date, time and place of today's case management discussion. In that letter, the parties were also told that they required to attend the hearing 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 15th November 2018. No written representations were received.

The Case Management Discussion

The Applicant was personally present and was accompanied by his wife. The case management discussion proceeded in the absence of the Respondent. This case was heard alongside a related case which proceeds under chamber reference FTS/HPC/CV/18/1703. The Applicant advised the Tribunal that he has had very little contact with the Respondent since he took occupation of the property. The Applicant served Notice to Leave and has had no response. He advised that since the inception of the tenancy, the Respondent has not paid any rent directly to him. The Applicant advised that there was a text exchange between him and the Respondent when the Respondent indicated that he would make a payment of rent but he failed to do so.

The Applicant made contact with the Universal Credit Department of the Department for Work and Pensions. The Applicant was successful in receiving payment of rent directly from the Department of Work and Pensions for the period of 12th June 2018 to date. The Applicant understands from the Universal Credit Department that they paid housing costs directly to the Respondent for the period from 21st March 2018 to 11th June 2018. However, the Applicant advised that the Respondent did not pay the rent from the housing costs which were paid to him. His position therefore was that as at today's date, rent arrears still exist for the period 21st March 2018 to 11th June.

The Applicant insisted on the application for recovery of possession of the property. He relied upon Ground 12 of Schedule 3 of the 2016 Act.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 21st March 2018.
2. The rent payable was £350 per calendar month, payable in arrears.
3. The Applicant served Notice to Leave on 30th May 2018 personally on the Respondent. The Applicant also served a copy of the Notice to Leave by recorded delivery post on 31st May 2018.
4. The Respondent is in arrears of rent for the period 21st March 2018 to 11th June 2018.
5. The Applicant is entitled to the Order sought for repossession.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Respondent was given an opportunity to provide written representations to the Tribunal; he failed to do so and he failed to attend the case management discussion. The Applicant invited the Tribunal to make the Order sought. The Applicant relied

upon Ground 12 of Schedule 3 of the 2016 Act. The Notice to Leave had been properly served. The Tribunal was satisfied that Ground 12 had been established. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

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.

Ms Nicola Irvine

Legal Member/Chair

21st November 2018

Date