

Case Studies – How We Can Help

Managing Tenant Arrears To Eviction

A private landlord was referred to us for help and give advice with a property that she managed herself. The tenant was several months in arrears, they were not responding to the landlord's calls, texts or emails. The landlord had exhausted every avenue she knew and did not know how to progress the tenant to eviction.

Although rather unusual, given that we did not manage the property, the landlord had been advised to contact ourselves through a friend as we have had a very good success rate when dealing with these cases in the First Tier Tribunal.

Information we requested from the landlord

- A copy of the signed tenancy agreement
- A copy of an up to date rent statement showing the arrears

Action Taken by ritehome to end the Tenancy

- An end of tenancy notice (NTL) was drafted in line with the legislation (Ground 12 – tenant has owed some rent for 3 months) advising the tenant that they were being asked to leave the property in 28 days
- The notice was delivered to the tenant at the property by way of Sheriff Officers, the reason we used a messenger at arms is so that there is no dubiety that the notice was delivered, if it was just posted out then the tenant could claim they never received it. You will also receive written confirmation from the Sherriff Officer that the notice has been delivered, which will act as proof that it was served when applying for an eviction order (if the tenant fails to leave)
- We attended the property on the day the notice expired to find that the tenant was still in situ, they were refusing to leave.
- -At this point we are left with no other option that to apply to the First Tier Tribunal (FTT) for an eviction order

How did we go about applying to the FTT & what happens next

- Applying for eviction requires paperwork to be completed and sent to the Housing and Property Chamber. We begin with Form E which can be downloaded from the FTT [Website](#)
- This was submitted to the First Tier Tribunal along with a copy of the tenancy agreement, notice to leave, rent schedule, Sheriff Officer letter confirming notice was served, letter from landlord confirming we had authority to act on her behalf
- From here it is a waiting game, generally it can take up to 3 months for the case to be called in the FTT and the eviction order granted
- We received written confirmation from the FTT within 6 weeks providing us with a hearing date in 2 weeks' time
- Be prepared for these hearings, as the tenant may also be there to defend the case in person or with a representative
- We attended the hearing, the tenant decided not to show up and defend his actions,
- After going back through the information that had already been submitted to the FTT they found in favour of our client and awarded an eviction order.

What happened once the eviction order was granted

- There is a 30 day period during which either party can appeal the eviction decision if they believe the tribunal has made an error on a point of law. Once the appeal period has ended the tribunal will issue the eviction order.
- Now that the appeal period is over we had to engage Sheriff Officers to execute and enforce the eviction order.
- Here is a link from a Sheriff Officer on behalf of the Scottish Association of Landlords explaining the process [link](#)

Outcome

We successfully obtained an eviction order and recovered the property on behalf of our client by following the legislation meticulously, if any 1 thing was incorrect then the order would not have been granted, to say our client was delighted is an understatement, she had no idea of how complex such a situation could be if you did not know what you were doing.

Here is an example time line when serving a notice for arrears

