

Scottish Courts and Tribunals Service



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Dear Mr Simpson

SCOTTISH PARLIAMENTARY QUESTIONS S5W-18128, S5W-18129, S5W-18131, S5W-18132

The Cabinet Secretary in his response to the above PQ indicated that it relates to operational matters within the responsibility of the Scottish Courts and Tribunals Service corporate body. I am now writing to you in response to the matter you have raised.

S5W-18128 asks the Scottish Government how much unpaid rent has been disputed through the First Tier Tribunal for Scotland (Housing and Property Chamber) since 1 December 2017.

The First-tier Tribunal for Scotland (Housing and Property Chamber) does not record the amount of rent that is being disputed in individual applications that are brought before it.

S5W-18129 asks the Scottish Government how much unpaid rent has been disputed through the Sheriff Court in each year since 2012.

The Sheriff Court does not record the amount of rent that is being disputed in individual applications that are brought before it.

S5W-18131 asks the Scottish Government how many applications the First Tier Tribunal for Scotland (Housing and Property Chamber) has received for evictions and civil proceedings for rent arrears (rule 70) since 1 December 2017; how many of these applications have received a hearing; and how many of these hearings have been successful in securing reimbursement of rent arrears.

In terms of the procedure regulations, Rule 70 relates to an application for civil proceedings in relation to an assured tenancy under the 1988 Act. An application for civil proceedings in relation to a regulated tenancy or Part VII contract under the 1984 Act can be made under Rule 91, and an application for civil proceedings in relation to a private residential tenancy can be made under Rule 111.

The First-tier Tribunal for Scotland (Housing and Property Chamber) records the number of applications received under Rule 70. However, Rule 70 applications can be made for reasons other than just rent arrears and the Chamber does not record the specific reasons for each application.

As of 21 August 2018, the Chamber has received 547 applications under Rule 70 since 1 December 2017. Of these applications, 194 have had a case management discussion or hearing, and 137 applications have been allowed. 82 applications have been treated as withdrawn, rejected, or not accepted.

S5W-18132 asks the Scottish Government how many applications the First Tier Tribunal for Scotland (Housing and Property Chamber) has received for evictions and civil proceedings for notice to quit (rule 66) since 1 December 2017; how many of these applications have received a hearing, and how many of these hearings have been successful in securing an eviction.

In terms of the procedure regulations, Rule 66 relates to an application for an order for possession upon termination of a short assured tenancy. An application for order for possession in relation to an assured tenancy can be made under Rule 65, and an application for an eviction order in relation to a private residential tenancy can be made under Rule 109.

As of 21 August 2018, the First-tier Tribunal for Scotland (Housing and Property Chamber) has received 551 applications for eviction under Rule 66. Of these applications, 165 have had a case management discussion or hearing, and 122 have resulted in an order being granted. 181 applications have been treated as withdrawn, rejected, or not accepted.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely



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