



**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 (Act)**

**Chamber Ref: FTS/HPC/EV/18/2580**

**Re: Property at Flat 2/2, 223 Neilston Road, Paisley, PA2 6PY (“the Property”)**

**Parties:**

**Mrs Veena Gindha, 40 Rhannan Road, Glasgow, G44 3AY (“the Applicant”)**

**Mr Eric Kiernan, Flat 2/2, 223 Neilston Road, Paisley, PA2 6PY (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.**

**Background**

This is an application for eviction under Ground 12 of Schedule 3 to the Act under section 51(1) of the Act.

The Tribunal had regard to the following documents:

1. Application received 25 September 2018;
2. Tenancy Agreement dated 13 January 2018;
3. Statement of Rent Arrears;
4. Notice to Leave dated 7 August 2018; and
5. Section 11 Notice.

**Case Management Discussion (CMD)**

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The case called for a CMD on 9 January 2019. The Applicant was not present but was represented by Mr Gindha. The Respondent did not appear nor was he represented.

The Tribunal were satisfied that the Respondent had notification of the CMD and the fact that the Tribunal could determine the matter at the CMD by virtue of the Sheriff Officers Certificate of Service dated 12 December 2018.

The Tribunal considered the papers and found that the parties had entered into the Tenancy Agreement dated 13 January 2018, the monthly rent for which was £250 and the amount of arrears as at the date of raising proceedings were £1,264.24. The amount of arrears had increased since then as no further payments had been made.

The Tribunal were satisfied that it was established the Respondent was in excess of 3 months arrears of rent at the date of raising the proceedings and had paid no further rent. Ground 12 was accordingly satisfied. The Tribunal was also satisfied that there was no evidence that any delay in payment of rent was due to delay or failure to pay any benefit.

The Tribunal were satisfied that it had sufficient information upon which to determine the matter and that it was fair to do so. The Tribunal also considered the overriding objective and the interests of justice.

The Tribunal granted the order sought.

### **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.**

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**Legal Member/Chair**

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**Date**

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2019