



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988 ("the Act").**

**Chamber Ref: FTS/HPC/EV/19/1154**

**Re: Property at 26A Wrangholm Drive, Motherwell, ML1 4JN ("the Property")**

**Parties:**

**Mr Jeremy Finn, Ms Ruth Finn, c/o Independent MPS, 23 Stirling Street, Airdrie, ML6 0AH ("the Applicant")**

**Ms Helen Quinn, 26A Wrangholm Drive, Motherwell, ML1 4JN ("the Respondent")**

**Tribunal Members:**

**David Preston (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for eviction be granted in favour of the applicants.**

**Background**

1. An application under Rule 65 of the First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations") was made on 4 April 2019 seeking eviction of the respondent. the application was made under grounds 8, 11, and 12 of Schedule 5 of the Act .
2. The application was accompanied by: Short Assured Tenancy Agreement dated 14 July 2017; Section 19 Notice (AT6) dated 6 February 2019; Execution of service date 7 February 2019; and Rent Statement covering the period 14 July 2017 to 14 January 2019;
3. By Decision dated 30 April 2019 a Legal Member of HPC having delegated power for the purpose, referred the application under Rule 9 of the Regulations to the tribunal. A letter of Intimation with Notice of the Case Management Discussion to

be held on 19 June 2019 at 14.00 in the Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT together with the application and case papers was served on the tenant by Sheriff Officers on 7 May 2019. The tribunal was provided with a copy of the Sheriff Officer's Certificate of Intimation thereof.

4. The tribunal was satisfied that all relevant documents and intimation of today's hearing had been duly served on the respondent and that the requirements of Rule 24 had been complied with.

### **Case Management Discussion**

5. Mrs Kirsty Hill of Independent MPS appeared on behalf of the applicants. There was no appearance by or on behalf of the respondent. The tribunal was satisfied that the respondent had been given due notice of the CMD and had voluntarily elected to waive her right to be present or be represented and was content to proceed in her absence.
6. The tribunal discussed the rent statement with the applicant's agent which demonstrated to the satisfaction of the tribunal that the last payment of rent by the respondent had been made on 14 July 2017 leaving 18 months arrears up to the date of the application. Mrs Hill advised that no further rent had been paid by the respondent.
7. The tribunal was satisfied that the respondent was in arrears of rent to the extent of £9000 at the date of the application, being more than 3 months of arrears which remained the case as at the date of the hearing.
8. The tribunal was satisfied that the respondent had received all relevant paperwork and had voluntarily waived her right to appear at the tribunal.

### **Reasons for Decision**

9. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, to determine the application at the CMD.
10. The tribunal being satisfied that Ground 8 had been established, determined to grant an order for eviction as 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

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