

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/19/3206

Re: Property at 128a Albion Street, Coatbridge, ML5 3SB (“the Property”)

Parties:

Mr Lendrick Gillies, 132 St John's Road, Edinburgh, EH12 8AX (“the Applicant”)

Miss Kellyanne Shields, 128a Albion Street, Coatbridge, ML5 3SB (“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 to recover possession of the property.

Background

The Applicant submitted an application seeking an order to evict the Respondent from the property at 128a Albion Street, Coatbridge. A case management discussion took place on 5th December 2019 and the notes from that case management discussion are referred to. The Applicant's representative has since lodged a copy of the tenancy agreement. Tribunal issued a letter to the parties dated 11th December 2019 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 Case Management Discussion

The Applicant was represented by Mr Paul Clark. The case management discussion proceeded in the absence of the Respondent.

The Tribunal noted that there were no written representations made by the Respondent and the Tribunal was therefore unaware of the Respondent's position. The Applicant's representative advised that he attended at the Property on 11th December 2019 and hand delivered a letter to the Respondent with an up to date rent statement. He advised that the Respondent has not made any proposals to pay the arrears.

The Applicant's representative advised that the order for eviction was sought on the basis of ground 12 of schedule 3 of the 2016 Act.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 20th January 2018.
2. The rent payable was £425 per month, payable in advance.
3. The Applicant served Notice to Leave by recorded delivery post on 3rd September 2019.
4. The Respondent has accrued arrears of rent for more than 3 consecutive months of arrears.
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; she failed to do so and she failed to attend the case management discussion. The Applicant's representative 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.

[Redacted Signature]

Legal Member/Chair

16th January 2020

Date