



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Housing (Scotland) Act 2014 (“the Act”)**

**Chamber Ref: FTS/HPC/EV/19/0037**

**Re: Property at 156 Spruce Road, Cumbernauld, Glasgow, G67 3DS (“the Property”)**

**Parties:**

**Mr Jim Lambert, c/o Jak G Ltd, 33 Kittoch Street, East Kilbride, G74 4JW (“the Applicant”)**

**Ms Alison Thompson, 156 Spruce Road, Cumbernauld, Glasgow, G67 3DS (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (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 Possession be granted**

**Background**

1. This matter is an application dated 7 January 2019 (“the Application”) in terms of Rule 109 of First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) for an order for possession on the citing breach of Ground 12 of Schedule 3 to the Act.
2. The Application comprised a copy of a private residential tenancy agreement between the Parties dated 1 February 2018 in terms of which the Respondent is liable for rent at the rate of £575.00 per month; a Statement of Rent (“the Statement”) due and paid which Statement shows the sum due as £5,050.88 and shows the Respondent as tenant to be in rent arrears over three

consecutive months at the date of the Application and at today's date; copy of valid Notice to Leave dated 4 September 2018 and countersigned in receipt by the Respondent on that same day and copy Notice in terms of Schedule 1 to the Act to North Lanarkshire Council being the relevant local authority.

3. The Application was accepted by a legal member of the First-tier Tribunal with delegated powers of the Chamber President and a Case Management Discussion (CMD) was fixed for 14.00 on 1 May 2019.

#### **Case Management Discussion**

4. The CMD took place at 14.00 on 1 May 2019 at the said Glasgow Tribunal Centre by conference call. The Applicant appeared but the Respondent neither appeared nor was represented
5. The Applicant confirmed to me that rent amounting to £5,050.88 being rent arrears over three consecutive months at the date of the Application and at today's date is still due and owing by the Respondent.

#### **Findings in Fact.**

6. Having no reason to disbelieve the Applicant on any aspect of the Application and the Statement, I found that the sum due and owing to him by the Respondent in rent is £5,050.88 and that this is rent arrears over three consecutive months at the date of the Application and at today's date.
7. I further found that the statutory process as set out in the Act had been followed and that the necessary notices had been intimated.

#### **Decision and Reasons for Decision**

8. Having no reason to disbelieve the Applicant and being satisfied that the ground for possession cited had been evidenced and that statutory process as set out in the Act had been followed, I had regard to Rule 17(4) of the Rules which states that a First-tier Tribunal may do anything at a case management discussion which it may do at a hearing including making a decision. Accordingly, I decided to grant the order for possession without further procedure.

#### **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.

**K Moore**

Legal Member/Chair

*1 May 2019*

Date