

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/19/0275

Re: Property at 66 Beil Drive, Glasgow, G13 4DB (“the Property”)

Parties:

Mr Robert Crawford, 44 Beil Drive, Glasgow, G13 4DB (“the Applicant”)

Ms Julie McMahononey or Fiskien, 66 Beil Drive, Glasgow, G13 4DB (“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 for recovery of possession of the property.

Background

The Applicant submitted an application seeking an order to evict the Respondent from the property at 44 Beil Drive, Glasgow, G13 4DB. The Tribunal issued a letter to the parties dated 13th April 2019 advising them of the date and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedures to have been fair. The Respondent was invited to make written representations by 1st May 2019. No written representations were received by the Tribunal.

The Case Management Discussion

The Applicant was personally present. The case management discussion proceeded in the absence of the Respondent. The Applicant advised the Tribunal that there has

been no contact from the Respondent following intimation of the case management discussion. The Applicant advised that he served the notice to leave on the Respondent personally on 23rd January 2019 and posted a copy of the notice on the porch of the property on that day. He advised that the Respondent has not paid any rent since she moved into the property in August 2018. The Applicant therefore sought an order for recovery of possession 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 which commenced on or around 29th August 2018.
2. The rent payable was £650 per calendar month, payable in advance.
3. The Applicant served Notice to Leave on 23rd January 2019 personally on the Respondent.
4. The Respondent is in arrears of rent by an amount greater than 1 months' rent.
5. The Respondent has been in arrears of rent for a continuous period of more than 3 consecutive months

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it and the information provided by the Applicant at the case management discussion. The Respondent was given an opportunity to provide written representations; she failed to do so and failed to attend the case management discussion. The Applicant invited the Tribunal to make the order sought. He 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 information 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.

N Irvine

Legal Member/Chair

8th May 2019

Date