



**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**

**Chamber Ref: FTS/HPC/EV/19/3245**

**Re: Property at 61 Balfroon Drive, Carnbroe, ML5 4FF (“the Property”)**

**Parties:**

**Ms Pauline Anderson, Coven Gate, 2 Bretwood Road, Coven, WV9 5DB (“the Applicant”)**

**Ms Lynn McKenzie, 61 Balfroon Drive, Carnbroe, ML5 4FF (“the Respondent”)**

**Tribunal Members:**

**Maurice O’Carroll (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 of the Property should be granted to the Applicant**

**Background**

1. A case management discussion (“CMD”) was held at 11.30am on 31 January 2020 at the Glasgow Tribunal Centre, York Street, Glasgow. The applicant was represented by Ms Angelina Franchitti of Property Angels, 14 Main Street, Bothwell.
2. There was no appearance for the respondent. The Legal Member was provided with a Certificate of Execution by Sheriff Officer on which vouched that the respondent had been duly notified of the CMD on 23 January 2020. The Legal Member therefore decided to proceed with the CMD in the absence of the respondent.

### **Findings in fact**

3. The parties entered into a rental agreement which was signed on 19 October 2018, which was also the start date. The rent payable was £910 per calendar month, payable in advance.
4. Ms Franchitti provided the Tribunal with an updated Schedule of rent and rent arrears which demonstrated that the respondent had been in arrears of rent for a period of at least three consecutive months prior to the application being made to the Tribunal.
5. The application seeks recovery on the basis of paragraph 12(1) of Schedule 3 of the 2016 Act. Section 54(3)(b) of the Act applies.
6. The Notice to Leave served on the respondent was valid and had been validly served on her.

### **Decision**

7. In light of the above findings in fact, the Tribunal is satisfied that:
  - A Notice to Leave was validly served on the respondent
  - The requisite period of notice had been given
  - The necessary grounds for recovery of possession have been made out by the applicant in terms of paragraph 12(1) of Schedule 3 to the 2016 Act.
8. Therefore the Tribunal granted the Order for Possession 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.**

Maurice O'Carroll

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**Legal Member/Chair**

31/1/20  
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**Date**