



**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 (Act)**

Chamber Ref: FTS/HPC/EV/19/2377

Re: Property at 10 Clyde House Furlongs, Hamilton, ML3 0BA (“the Property”)

Parties:

Mr Nirmal Singh, 26 Blenheim Avenue, Stepps, G33 6DP (“the Applicant”)

Mr Graeme McGill, 10 Clyde House Furlongs, Hamilton, ML3 0BA (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

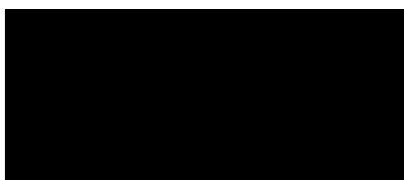
The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.

Background

This is an application under section 51(1) of the Act and Rule 109 of the Tribunal Procedure Rules seeking eviction and recovery of possession under Ground 12 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 30 July 2019;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 28 February 2019;
3. Statement of Rent Arrears as at 30 June 2019;
4. Notice to Leave dated 3 June 2019;
5. Section 11 Notification to Local Authority;
6. Proof of service of Notice to Leave on 4 June 2019;



7. Sheriff Officer Certificate of Service of Tribunal CMD Notification dated 17 September 2019.

Case Management Discussion (CMD)

The case called for a CMD on 18 October 2019. The Applicant was not present but was represented. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had received notification of the CMD by virtue of the Sheriff Officer's Certificate of Service. The Respondent was aware that the Tribunal could determine matters at the CMD if satisfied that it had sufficient information to do so and the procedure had been fair.

The Tribunal was given the up to date rent arrears position from the Applicant's representative. The Respondent was £3,200 (8 months) in arrears.

Having considered the documentary evidence the Tribunal made the following findings in fact:

1. The Parties entered in to a PRTA in respect of the Property commencing 28 February 2019;
2. The monthly rent was £400;
3. As at the date of service of the Notice to leave the Respondent was £1,600 (4 months) in arrears of rent;
4. As at the date of the CMD the Respondent was £3,200 (8 months) in arrears of rent;
5. The Respondent had been in arrears of rent for the entire duration of the PRTA;
6. The rent arrears were not due in whole or in part to any delay or failure to make payment of a relevant benefit;
7. Valid Notice to Leave had been served upon the Respondent on 4 June 2019;
8. Section 11 Notice had been given to the local authority.

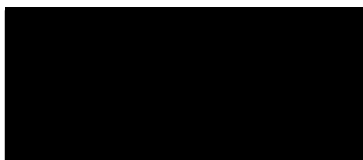
The Tribunal considered the terms of Ground 12. The Respondent had been served with a valid Notice to Leave and the local authority had been issued with a section 11 notice as required. The Respondent was in arrears for a period in excess of 3 months at the date of service of the Notice to Leave and at the CMD. The amount of rent outstanding was in excess of 1 month's rent. The arrears were not due to any delay or failure to make payment of a relevant benefit.

The Tribunal was satisfied that it had sufficient information to make a Decision and that the procedure had been fair. The requirements of ground 12 had been established.

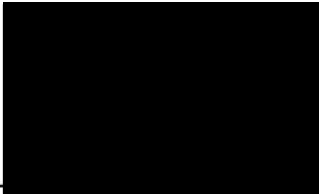
The Tribunal granted the order sought.

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.



Legal Member/Chair

18 October 2019

Date