



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/18/2537

Re: Property at 6 Davie Street Flat 2, Newington, Edinburgh, EH8 9EB (“the Property”)

Parties:

Mr Murray Raeburn, C/O Clyde Property, 8 Busby Road, Clarkston, Glasgow, G76 7XL (“the Applicant”)

Mr Gary Stevens, 6 Davie Street Flat 2, Newington, Edinburgh, EH8 9EB (“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 for eviction and recovery of possession under section 51 of the Act. It is asserted that Ground 12 of Part 3 Schedule 3 of the Act applies.

The Tribunal had regard to the following documents:

1. Application dated 14 September 2018;
2. Tenancy Agreement dated 12 December 2017;
3. Notice to Leave dated 13 August 2018;
4. Delivery Receipt dated 13 August 2018;
5. Section 11 Notice dated 14 September 2018;
6. Rent Statement as at 12 September; and
7. Rent Statement as at 14 December 2018.

Case Management Discussion (CMD)

The case called for a CMD on 14 December. The Applicant was represented by Ms Donnelly (Solicitor). The Respondent did not appear nor was he represented.

The Tribunal were satisfied that service of the notification of the CMD had been made upon the Respondent by Sheriff Officers. The Tribunal referred to the certificate of intimation from the Sheriff Officers confirming this.

The Tribunal were referred to the Rent Statement dated 14 December 2018 confirming that £3,718.96 was due. This was in excess of 3 months' rent.

The Tribunal found that a tenancy had been entered in to between the parties on 12 December 2017 and that as at the date of raising the application and the date of the CMD in excess of 3 months' rent was due. The Tribunal also found that the Respondent had been in arrears of rent for 3 or more consecutive months and it was reasonable to grant an eviction order.

The Tribunal accordingly granted the Order having due regard to the overriding objective and being satisfied that it was fair to do so.

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.

Alan Strain

Legal Member/Chair

14/12/18

Date