



**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/18/2748

**Re: Property at 15 T/R Kelbourne Street, North Kelvinside, Glasgow, G20 8PE
("the Property")**

Parties:

**Mr Kevin Patterson, 10 Barnton Park, Davidson Mains, Edinburgh, EH4 6JF
("the Applicant")**

**Mr Andre Christovam, 15 T/R Kelbourne Street, North Kelvinside, Glasgow,
G20 8PE ("the Respondent")**

Tribunal Members:

Alan Strain (Legal Member)

Decision

**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 for recovery of possession and
eviction under Ground 12 of the Act.

The Tribunal had regard to the following documents;

1. Application received 16 October 2018;
2. Notice to Leave dated 12 September 2018;
3. Evidence of Service of Notice to Leave by email;
4. Statement of Rent arrears as at 11 October 2018;
5. Updated Statement of Rent Arrears as at 21 January 2019;
6. Section 11 Notice.

A. Strain

Case Management Discussion (CMD)

The case called for a CMD on 21 January 2019 at which both Parties appeared and were represented.

The Applicant confirmed that the amount of arrears outstanding as at the date of the CMD was £2,960. The monthly rent was £735. The Respondent confirmed that he agreed the amount of arrears.

The Applicant's agent moved for the order to be granted. The Respondent did not object to the order being granted.

The Tribunal were satisfied that Ground 12 was made out in that the Respondent had been in excess of one month's rent arrears over a period of in excess of 3 consecutive months. The Tribunal were also satisfied that the arrears were not wholly or partly as a consequence of any delay or failure to pay a relevant benefit.

The Ground having been made out and 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.

A. Strain

Legal Member/Chair

Date

21 Jan 2019