



**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/19/0379**

**Re: Property at 4/2, 21 Meadowside Quay Square, Glasgow, G11 6BT (“the Property”)**

**Parties:**

**Mr Kevin McCormick, c/o DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)**

**Mr Gordon Coyle, 4/2, 21 Meadowside Quay Square, Glasgow, G11 6BT (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent(s) for eviction of the Respondent(s) from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.**

- Background

An application was made by the Applicant under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). Said application sought an order for repossession of the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and in particular under ground 12 of schedule 3 to the 2016 Act, in that the Respondent had been in arrears of rent for three or more consecutive months.

- The Case Management Discussion

A Case Management Discussion (“CMD”) took place on 12 March 2019. The Applicant was not personally present, but was represented by David Gibb of DJ Alexander Lettings Ltd. There was no appearance by or on behalf of the Respondent.

The Applicant’s representative moved the Tribunal to grant the order for repossession. The Respondent was occupying the property in terms of a Private Residential Tenancy which commenced on 6 April 2018. A Notice to Leave was served on the Respondent dated 19 December 2018 relying on the rent arrears ground, being ground 12 of Schedule 3 of the 2016 Act. The Respondent had been in arrears of rent for three or more consecutive months and the total arrears now stood at £5250. The monthly rent was £1050. The Respondent accordingly was in arrears by more than the equivalent of one month’s rent. Ground 12 accordingly applies.

The Respondent was still residing in the property, as far as the Applicant’s representative was aware.

- Findings in Fact

The Tribunal made the following findings in fact:

1. The Respondent was occupying the property in terms of a Private Residential Tenancy which commenced on 6 April 2018
2. A Notice to Leave was served on the Respondent dated 19 December 2018 and which relied on ground 12 of Schedule 3 of the 2016 Act
3. The Respondent had been in arrears of rent for three or more consecutive months
4. The total arrears stood at £5250
5. The monthly rent was £1050

- Reasons for Decision

The Tribunal was satisfied that Ground 12 of Schedule 3 to the 2016 Act applied. At the date of the CMD, the Respondent was in arrears of £5250 being more than the equivalent of one month’s rent, and had been in arrears for three or more consecutive months. The Applicant was accordingly entitled to his order for repossession as sought.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent(s) for eviction of the Respondent(s) from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground(s) 12 of schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016

## 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.

F.Watson

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Legal Member/Chair

12/3/19  
\_\_\_\_\_  
Date