



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/19/0879**

**Re: Property at 68 Cornhill Drive, Coatbridge, ML5 1RU (“the Property”)**

**Parties:**

**Mr Derek Hutton, 18 Forrestburn Road, Coatbridge, ML5 1BF (“the Applicant”) per his representatives, Ritehome Ltd., 350, Glasgow Harbour Terraces, Glasgow, G11 6EG.**

**Ms Lynne Hutton, 68 Cornhill Drive, Coatbridge, ML5 1RU (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (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 Possession be granted.**

**Background**

1. By application received between 18 and 28 March 2019 (“the Application”), the Applicant’s Representatives on behalf of the Applicant made an application in terms of Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) for a possession order.
2. The Application comprised a copy of a private residential tenancy agreement between the Parties in terms of the Private Housing (Tenancies) (Scotland) Act 2016 evidencing that a tenancy of the Property began on or around 1 December 2017; a statement of rent due and paid showing more than three consecutive rent instalments in arrears; a copy Notice to Leave with proof of delivery and copy Notice in terms of Section 11 of the Homelessness etc (Scotland) Act 2003 to the relevant local authority with proof of delivery.

3. On 8 April 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion ("CMD") was fixed for 24 May 2019 at 14.00 at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT.

### **Case Management Discussion**

4. The CMD took place on 24 May 2019 at 14.00 at the said Glasgow Tribunal Centre. Neither the Applicant nor the Respondent was present. The Applicant was represented by Mr. Robert Nixon of the Applicant's Representatives who advised me that, although further rent had been paid, the rent account remained in arrears for three or more consecutive months.

### **Findings in Fact**

5. From the Application and the CMD, and having no reason to disbelieve the Applicant's Representative, I found that a private residential tenancy agreement between the Parties commenced on or around 1 December 2017. I found that the required statutory notices had been delivered. I found that although payments of rent had been made by or on behalf of the Respondent from time to time, the rent account remained in arrears for three or more consecutive months.

### **Decision and Reasons for Decision**

6. Having found that the Application satisfied the statutory requirements and that the rent account remained in arrears for three or more consecutive months as claimed in the Application, I then had regard to Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 which states that a First-tier Tribunal may do anything at a case management discussion which it may do at a hearing including making a decision and I decided to grant an order for possession without further procedure.

### **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.**

Karen Moore

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**Legal Member/Chair**

*24/5/2019*  
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**Date**