



**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/19/0985**

**Re: Property at 27 Fingask Street, Glasgow, G32 9EN (“the Property”)**

**Parties:**

**Mr Phillip McQuillan, 7 Sandyhills Road, Glasgow, G32 0QG (“the Applicant”)  
per his agents, 1-2-Let (Lettings and Sales) Glasgow, G31 1AA (“the  
Applicant’s Agents”)**

**Miss Jennifer Darroch, 27 Fingask Street, Glasgow, G32 9EN (“the  
Respondent”)**

**Tribunal Member:**

**Karen Moore (Legal Member)**

1. By application received on 28 March 2019 (“the Application”), the Applicant on behalf 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 24 November 2018; a statement of rent due and owing showing a debit balance of £2,200.00 at 24 March 2019, being more than three rent instalments; 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 Glasgow City Council being the relevant local authority with proof of delivery.
3. On 9 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 23 May 2019 at 11.30 at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT. At that CDM, the Application was dismissed by me on the basis that no parties appeared. However, the parties had appeared but had been directed to a room in the said Glasgow Tribunal Centre other than correct the tribunal room and so I

reviewed my decision to dismiss the Application and a fresh CMD was fixed for 14 June 2019 at 10.00 at the said Glasgow Tribunal Centre and this time and date was intimated to the parties.

#### **4. Case Management Discussion**

5. The CMD took on 14 June 2019 at 10.00 at the said Glasgow Tribunal Centre. The Applicant was present and represented by Ms Lesley McLaughlin and Mrs. Joanna McDonald of the Applicant's Agents. The Respondent did not appear and was not represented.
6. The Applicant and the Applicant's Agents advised me that the rent due and owing by the Respondent had increased to over £3,000.00 and that no payments had been made by the Respondent since she took entry to the Property in November 2018. I was further advised that the Respondent is believed to be in work and not entitled to or eligible for state benefits.

#### **Findings in Fact**

7. From the Application and the CMD and having no reason to disbelieve the Applicant and the Applicant's Agents, I found that a tenancy agreement had existed between the Parties at a rent of £550.00 per month and that a Notice to Leave in the correct statutory format had been served on the Respondent by the Applicant's Agent. I found that at the beginning of the day on which the Tribunal first considered the Application an amount of rent of more than an amount equal to or greater than one month's rent and rent arrears of more than three consecutive months due and that at the date of the CMD the rent due and owing by the Respondents is £3,300.00. I found that the notice in terms of Section 56 of the Act had been properly intimated to the relevant local authority. Accordingly, I found that the required statutory provisions had been satisfied.
8. From the CMD, and having no reason to disbelieve the Applicant and the Applicant's Agents, I accepted that the Respondent is not eligible for housing benefit and so was satisfied that the rent arrears are not as a consequence of delay or failure of relevant benefits.

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

9. Having found that the correct statutory procedure had been followed and that an eviction ground in terms of Paragraph 12 (1) (a) and (b) of Schedule 3 to the Act is satisfied, and, having found in terms of Paragraph 12 (4) of Schedule 3 to the Act that the rent arrears are not as a consequence of delay or failure of relevant benefits, I had regard to Section 51 of the Act which states that "the First-tier Tribunal is to issue an order if one of the grounds in schedule 3 applies".
10. I then had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing,

including make a decision” and, accordingly, I determined to grant an Order for possession.

### **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.**

**Ms Karen Moore**

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**Legal Member/Chair**

*14 June 2019*

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**Date**