

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/1208

Re: Property at 194 Wraes View, Braehead, Glasgow, G78 1UL (“the Property”)

Parties:

Mr Craig Newton, 9 Kinmundy Road, Newmachar, Aberdeen, AB21 0YY (“the Applicant”)

Miss Gabrielle Santos, 194 Wraes View, Braehead, Glasgow, G78 1UL (“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/recovery of possession be granted.

Background

This is an application for eviction/recovery of possession in terms of section 51(1) of the Act. The ground for eviction relied upon is Ground 12 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 18 April 2019;
2. Private Residential Tenancy Agreement (**PRTA**);
3. Schedule of Arrears as at 25 June 2019;
4. Written Representations from the Respondent;
5. Notice to Leave dated 7 March 2019;
6. Proof of Service of Notice to Leave;
7. Section 11 Notice.

Case Management Discussion (CMD)

The case called for a CMD on 4 July 2019. The Applicant was not present but was represented. The Respondent was not present and was not represented.

The Tribunal was satisfied that the Respondent had been notified of the CMD and the fact that the Tribunal could determine the matter in her absence if it had sufficient information and considered it fair to do so. Sheriff Officers had served the notification on the Respondent on 3 June 2019.

The Tribunal also considered the written representations lodged by the Respondent which were to the effect that she was not 3 consecutive months in arrears of rent.

The current position regarding rent arrears is that the Respondent is due £2,432.42. She has been in arrears since January 2019.

The Tribunal made the following findings in fact:

1. The Parties entered in to a PRTA dated 5 December 2018;
2. The monthly rent was £450;
3. The Respondent has been in arrears of rent since January 2019;
4. As at 4 July the Respondent is £2,432.42 in arrears of rent;
5. The Respondent has been in arrears of rent for a period in excess of 3 consecutive months;
6. Delay or failure to pay rent has not been due to a delay or failure to make payment of a relevant benefit.

The Tribunal considered the terms of Ground 12 and was satisfied that the requirements were met.

The Tribunal granted the order for eviction/recovery of 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.

Alan Strain

Legal Member/Chair

4 July 2019

Date