



**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**

**Chamber Ref: FTS/HPC/EV/19/1722**

**Re: Property at 1 Broombank Terrace, Edinburgh, EH12 7NZ (“the Property”)**

**Parties:**

**Mr Bruce Davis, Mrs Mary Davis, 5 Broomhall Terrace, Edinburgh, EH12 7PZ (“the Applicants”)**

**Ms Magdalena Podolak, 1 Broombank Terrace, Edinburgh, EH12 7NZ (“the Respondent”)**

**Tribunal Members:**

**Maurice O'Carroll (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Possession of the Property should be granted to the Applicants**

**Background**

1. A case management discussion was held at 10am on 6 September 2019 at George House, George Street, Edinburgh. Mr Davis appeared on behalf of both Applicants. Miss Magdalena Podolak appeared on her own behalf as Respondent.

**Findings in fact**

2. The parties entered into a rental agreement in respect of the Property which commenced on 1 February 2019. The rent payable was £1000 per calendar month, payable in advance. Prior to the Respondent taking occupation of the Property, she had paid £2,000 in respect of one month’s rent in advance and £1,000 by way of deposit.

3. The Applicants provided the Tribunal with a Schedule of rent which was not disputed by the Respondent. The Schedule demonstrated that the Respondent had been in arrears of rent for a period of at least three consecutive months prior to the application being made to the Tribunal.
4. The Applicants seek recovery on the basis of paragraph 12(1) of Schedule 3 of the 2016 Act. Section 54(3)(b) of the Act applies.
5. The Notice to Leave served on the Respondent was valid and had been validly served.

### **Decision**

6. In light of the above findings in fact, the Tribunal is satisfied that:
  - A Notice to Leave was validly served on the Respondent
  - The requisite period of notice was given
  - The necessary grounds for recovery of possession have been made out by the Applicants in terms of paragraph 12(1) of Schedule 3 of the 2016 Act
7. Therefore the Tribunal granted the Order for Possession 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.**

Maurice O'Carroll

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Legal Member/Chair

6 September 2019  
Date