



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing
(Scotland) Act 1988**

Chamber Ref: FTS/HPC/EV/19/1859

**Re: Property at 12 Bisset Place, Bathgate, West Lothian, EH48 2XR (“the
Property”)**

Parties:

**Mr Peter Lam, Long Close, Medbourne Lane, Liddington, SN4 0EY (“the
Applicant”)**

**Miss Keely Ovens, Mr Jonathan McCormack, ADDRESS UNKNOWN, ADDRESS
UNKNOWN (“the Respondents”)**

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for possession of the Property be granted.**

Background

1. The Applicant applied to the Tribunal for an order for possession of the Property by way of application dated 13th June 2019. The Applicant lodged documents in support of the application including copy tenancy agreement and copy rent account together with Notice to Leave.
2. A copy of the application and supporting documents were served on the Respondents by Advertisement. The certificate of advertisement confirmed that the advertisement of the Case Management Hearing (CMD) was carried out on the Tribunal website between 17/10/2019 and 21/11/2019.

The Case Management Discussion (CMD)

3. The CMD was scheduled to take place at Riverside House , Edinburgh at 14.00 on 21st November 2019. The Legal Member on that date was chairing the CMD by way conference call from Glasgow Tribunals Centre. The Tribunal Clerk was present at the Riverside House venue. The Respondents did not attend and were not represented. They have not made any form of contact with the Tribunal at all. The Applicants Representative in the application is stated as being Jackson Boyd LLP. The solicitor who was attending the CMD was attending as an agent of the principal firm .He was Mr. Paul McIntosh of Mattac solicitors. He had been advised by the principal firm to attend at “the Edinburgh venue” and was unaware that there was another hearing venue at Riverside House. He attended at George House, George Street, Edinburgh. The Legal Member accepted his apologies and agreed that the CMD could take place with the solicitor phoning into the CMD by conference call.

Findings in Fact

4. The Respondents lease the Property from the Applicants in terms of a private residential tenancy commencing on 27th February 2018. In terms of that tenancy agreement , rent of £1000 was payable on 27TH February 2018 and on the 27th of each month thereafter.
5. The Respondents failed to pay the full rent due since 27th March 2018 . Since 26th February 2019 no payment of rent has been made by the Respondents.
6. The Applicant sent the Respondents a Notice to Leave on 1st March 2019 intimating that he would be seeking eviction on Ground 12 of Schedule 3 to the Private Tenancies (Scotland) Act 2016 (that the Respondents were in rent arrears over three consecutive months)(“Ground 12”). That Notice stated that an application for eviction would not be made any earlier than 27th May 2019 . This application was raised on 13th June 2019 . A Notice in terms of s.11 of the Homelessness etc. (Scotland) Act 2003 was served by the Applicant on the relevant local authority on 12th June 2019 .

Reasons for Decision

7. In these circumstances the Tribunal must find that Ground 12 applies. An order for eviction should therefore be made.

Decision

8. **The order for eviction is granted.**

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.

Yvonne McKenna

Legal Member/Chair

21st November 2019
Date