



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/20/1919

Re: Property at 126 Torbrex Road, Cumbernauld, G67 2JS (“the Property”)

Parties:

Mr William Neagle Cathcart, 2a Westmount Park, Newtonards, CO14 Down, BT23 4BP (“the Applicant”)

Mr Lee Brett Newman, Ms Shannon Crichton, 126 Torbrex Road, Cumbernauld, G67 2JS (“the Respondent”)

Tribunal Members:

John McHugh (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 made in favour of the Applicant.

Background

The Applicant is the landlord and the Respondents the tenant in respect of a private rented tenancy agreement relating to the Property dated 26 September 2019.

The Case Management Discussion

A Case Management Discussion("CMD") took place by telephone conference on 14 December 2020.

The Applicant was represented by his solicitor, Nichola McAtier. Both Respondents were in attendance.

Findings in Fact

The Applicant is the landlord and the Respondents the tenant in respect of a private rented tenancy agreement relating to the Property dated 26 September 2019.

Rent was payable under the agreement at the rate of £495/month.

The sum of £2875 is outstanding by the Respondents in respect of rent for the period to 26 July 2020.

The Respondents have been in rent arrears for more than three consecutive months since at least January 2020.

Reasons for Decision

The Respondents accept that they are in rent arrears to the extent of £2875. Rent has been outstanding for three consecutive months in an amount exceeding the monthly rent. There is no suggestion that delays in receiving benefits are a factor. An order for possession requires to be made in terms of Ground 12(2) of schedule 3.


The Respondents do not in any event oppose the granting of an order for possession. They advise that they have removed some time ago.

Decision

An order for possession of the Property will be made in favour of the Applicant.

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.



John McHugh, Legal Member/Chair

14 December 2020
Date