



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 of the Private Housing
(Tenancies) Act 2016**

Chamber Ref: FTS/HPC/EV/19/1983

**Re: Property at Flat 0/1, 36 Brockburn Road, Glasgow, G53 5JX (“the
Property”)**

Parties:

Miss Mylan Liu, 16 Stamperland Hill, Glasgow, G76 8AF (“the Applicant”)

**Mr David Anthony Fletcher, Flat 0/1, 36 Brockburn Road, Glasgow, G53 5JX
 (“the Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

BACKGROUND

1. By lease dated 14 September 2018 the Applicant let the Property to the Respondent;
2. Rent was payable at the rate of £500.00 per calendar month, payable in advance;
3. The Respondent failed to pay rent on 14 December 2018 and has failed to make any payments since;
4. On 27 March 2019 a Notice to Leave was forwarded to the Respondent requiring him to leave due to rent arrears. This was sent by recorded delivery post and was received and signed for by the Respondent on 29 March 2019;
5. A notice in terms of s11 of the Homelessness (Scotland) Act 2003 was intimated to the local authority;
6. On 27 June 2019 the Applicant presented an application to the Tribunal seeking an order that the Respondent be evicted from the Property;

THE CASE MANAGEMENT DISCUSSION

7. A case management discussion was assigned for 2pm on 13 September 2019 within the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT. The Applicant attended;
8. The Respondent failed to attend. The Tribunal was in receipt of an execution of service by sheriff officers confirming that the place, date and time of the Case Management Discussion had been intimated to the Respondent, together with a copy of the case papers. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
9. The Applicant moved the Tribunal to grant an order for eviction and, considering the Tribunal was satisfied that it was appropriate to do so in terms of s51 and paragraph 12 of Schedule 3 of the 2016 Act, the Tribunal did so;

FINDINGS IN FACT

10. The Tribunal made the following findings in fact:-
 - a) By lease dated 14 September 2018 the Applicant let the Property to the Respondent;
 - b) Rent was payable at the rate of £500.00 per calendar month, payable in advance;
 - c) The Respondent failed to pay rent on 14 December 2018 and has failed to make any payments since;
 - d) On 27 March 2019 a Notice to Leave was forwarded to the Respondent requiring him to leave due to rent arrears. This was sent by recorded delivery post and was received and signed for by the Respondent on 29 March 2019;
 - e) A notice in terms of s11 of the Homelessness (Scotland) Act 2003 was intimated to the local authority;
 - f) On 27 June 2019 the Applicant presented an application to the Tribunal seeking an order that the Respondent be evicted from the Property;
 - g) On the date the Tribunal first considered the case arrears of rent exceeded one month's rent;
 - h) On the date the Tribunal first considered the case there had been arrears of rent for more than three consecutive months;
 - i) The arrears were not due to any delay nor failure in the payment of any relevant benefits;

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at Flat 0/1, 36 Brockburn Road, Glasgow, G53 5JX and to make the same void and redd that the Applicant or others in her name may enter thereon and peaceably possess and enjoy the same.

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.

Virgil Crawford

Legal Member/Chair

13 September 2019

Date