



**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/19/2642**

**Re: Property at 24 Waddell Ave, Glenmavis, ML6 0PA (“the Property”)**

**Parties:**

**Ms Margaret Dunn, 10 Avonside Grove, Hamilton, ML3 7DL (“the Applicant”)**

**Miss Jeniffer Beaton, Mr Brendan Stokes, 24 Waddell Ave, Glenmavis, ML6  
0PA; 24 Waddell Ave, Glenmavis, ML6 0PA (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.**

**Background**

1. By application dated 19 August 2019 the Applicant applied to the Tribunal for an order for the eviction of the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”). The Applicant submitted a copy of the Private Residential Tenancy Agreement, Notice to Leave, emails, Section 11 Notice and copies of rent receipts and a rent statement.
2. Following further correspondence with the Tribunal a legal member of the Tribunal with delegated powers by Notice of Acceptance dated 23 October 2019 accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was given to the Applicant by post on 6 November 2019 and to the Respondent by Sheriff Officers on 7 November 2019.

#### The Case Management Discussion

4. A Case Management Discussion was held at Glasgow Tribunals Centre on 9 December 2019. The Applicant attended personally. The Respondent did not attend and was not represented. The Tribunal was satisfied that proper intimation of the Case Management Discussion had been given to the Respondent and in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 determined to proceed in the absence of the Respondent.
5. The Applicant confirmed she was the owner of the property and that she had entered into a Private Residential Tenancy Agreement with the Respondent that commenced on 21 December 2019. The Applicant referred the Tribunal to the signed agreement submitted with the application. She confirmed the rent was £375.00 per calendar month.
6. The Applicant referred the Tribunal to the Rent statements submitted that showed that the Respondent had accrued rent arrears over three consecutive months prior to Notices to Leave being sent to the Respondent on 3 July 2019. The Applicant confirmed that each Respondent had been sent a Notice to Leave by email and referred the Tribunal to the emails submitted with the application.
7. The Applicant confirmed that the Notice to Leave explained that she was seeking eviction under Ground 12 of Schedule 3 of the 2016 Act and that proper intimation had been given to the Respondent.
8. The Applicant confirmed she had sent a Section 11 Notice to North Lanarkshire Council on 16 August 2019 and referred the Tribunal to the Notice and email submitted with the application.
9. The Applicant referred the Tribunal to the Rent Statement submitted that showed the Respondent had accrued rent arrears of £2850.00 up to 29 October 2019. She said that no further payments of rent had been received and the arrears had now increased as no payment had been made in November.
10. The Applicant submitted that Ground 12 of Schedule 3 of the 2016 Act had been satisfied as the Respondent had been in rent arrears for more than three consecutive months and as at the date of the Case Management discussion there was more than one month's rent outstanding and asked the Tribunal to grant the order for the eviction of the Respondent.

## **Findings in Fact**

11. The Applicant is the owner of the property.
12. The parties entered into a Private Residential Tenancy Agreement that commenced on 21 December 2019 at a rent of £375.00 per calendar month.
13. The Respondent accrued rent arrears over three consecutive months prior to the Applicant serving Notices to leave by email on 3 July 2019 under Ground 12 of Schedule 3 of the 2016 Act.
14. The Notices to Leave were valid.
15. The Applicant sent a Section 11 Notice to North Lanarkshire Council on 16 August 2019.
16. The Respondent had continued to accrue rent arrears since the Notices to Leave were served.
17. The rent arrears accrued as at 29 October amounted to £2850.00 and no payments have been made since that date.

## **Reasons for Decision**

18. The Tribunal was satisfied that the parties had entered into a Private Residential Tenancy Agreement at a rent of £375.00 per calendar month. The Tribunal was also satisfied that by the time the Applicant served the Notices to Leave on the Respondent they had accrued rent arrears over three consecutive months and the Notices to Leave were in proper form and were valid.
19. The Tribunal was satisfied that proper intimation of the proceedings had been given to the Local Authority by the Section 11 notice sent on 16 August 2019 by the Applicant.
20. The Tribunal was satisfied from the documents provided and the oral submission of the Applicant at the Case Management Discussion that the Respondent had failed to make any rent payments since 3 April 2019 and that rent arrears in excess of £2850.00 had accrued by the time of the Case Management discussion. The Tribunal was therefore satisfied that the terms of Ground 12 of Schedule 3 had been met and as there was more than one month's rent outstanding it was mandatory that the application for eviction be granted. As it is necessary in terms of the 2016 Act for the Tribunal to state when the tenancy ends and allowing for the time limit for appeal the Tribunal determined that the tenancy should end on 10 January 2020.

## **Decision**

21. Having carefully considered the documents submitted in support of the application and the oral submissions of the Applicant at the Case Management discussion finds the Applicant entitled to an order for the Eviction of the Respondent from the property under Ground 12 of Schedule 3 of the 2016 Act.

### 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.

Graham Harding

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Legal Member/Chair

9 December 2019  
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Date