



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/19/2739

Re: Property at 27 Glasgow Road, Wishaw, ML2 7PG (“the Property”)

Parties:

Ms Yorkjean Cheung, First Property, PO Box 11337, Paisley, PA3 9EW (“the Applicant”)

Mr William Robert, 54 Stewart Crescent, Newmains, ML2 7PG (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

This is an application for an eviction order against the Respondent in regard to his private residential tenancy at the Property. It called for a case management discussion at 2pm on 11 November 2019. The Applicant was not present in person, but was represented by Mr Ritchie of Hardy MacPhail Solicitors. The Respondent was not present or represented.

- Findings in Fact

The following facts set out in the application were not disputed by the Respondent:

1. The Respondent leases the Property from the Applicant in terms of a private residential tenancy commencing on 14 December 2018. In terms of that tenancy agreement, rent of £425 was payable on 14 December 2018 and on the 14th of each month thereafter.

2. The Respondent paid £425 on 14 December 2018 and again on 28 January 2019, but has not otherwise made any payment to the Applicant.
3. The Applicant sent the Respondent a notice to leave on 11 July 2019, intimating that she would be seeking eviction on Ground 12 of Schedule 3 to the Private Tenancies (Scotland) Act 2016 (that the Respondent was in rent arrears over three consecutive months) ('Ground 12'). That notice stated that an application for eviction would not be made any earlier than 11 August 2019. This application was raised on 3 September 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 12 September 2019.
 - Reasons for Decision
4. In these circumstances, the Tribunal must find that Ground 12 applies. An order for eviction should therefore be made.
 - Decision

Order for eviction 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.

N. Young

Legal Member/Chair

11 NOVEMBER 2019
Date