



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)  
Act 1988**

Reference number: FTS/HPC/EV/19/4063

Date Order was granted 2 March 2020 in absence of the Respondent

Property: 54 Three Rivers Walk, Westwood, East Kilbride G75 8JH

Parties:

John Wilson, c/o Happy Lets, 56 Cadzow Street, Hamilton, ML3 6DS  
("the Applicant")

Paul Stevenson, 54 Three Rivers Walk, Westwood, East Kilbride G75 8JH ("the  
Respondent")

**Tribunal Members:**

**Paul Doyle (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") makes an order for possession of the Property in terms of section  
51 of the Private Housing (Tenancies)(Scotland) Act 2016.**

**Background**

The Applicant sought recovery of possession of the Property in terms of section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, a Notice to Leave served on 14/11/2019, a notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

## **Case Management Discussion**

A case management discussion took place before the Tribunal at 2pm on 2 March 2020 at the Glasgow Tribunals Centre, 20 York street, Glasgow G2 8GT. The applicant was represented by Ms L Barclay of happy Lets ltd. There was no appearance by or on behalf of the Respondent.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property dated 19 October 2018. The Lease commenced on 25 October 2018.
2. The initial rent in terms of the Tenancy Agreement was £335 per month.
3. Between 25 June 2019 and today's date the respondent has only made two payments of rental. At the date the application was submitted there were arrears of rent totalling £1,340, which is more than 3 months' rent. At today's date there are arrears of rental totalling £2010.00.
4. On 14 November 2019 the applicant served a notice to leave on each respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 20 December 2019 the applicant submitted his application to the tribunal.
5. The Applicant sought recovery of possession of the Property in terms Ground 12 of part 3 of schedule 3 to the 2016 Act.
6. The monthly rent is £335.00. The respondents has only made two payments of rental since 25 June 2019. The rental was four months in arrears at the date the application was submitted. Rental is now 7 months in arrears.
7. The respondent offers no resistance to this application. The respondent received notice of this hearing from sheriff officers on 28 January 2020.

## **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in in terms Ground 12 of part 3 of schedule 3 to the 2016 Act is established. The respondents offer no stateable defence to the application. For these reasons, the Tribunal determined to grant an Order for possession.

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for possession.

## **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.

Paul Doyle

**Legal Member**

**2 March 2020**