

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (Act)

Chamber Ref: FTS/HPC/EV/18/2301

Re: Property at 3 Manse View, Motherwell, ML1 5TB (“the Property”)

Parties:

WAB Properties Ltd, 14 Canonbie Avenue, East Kilbride, G74 4GH (“the Applicant”)

Ms Claire Meese, 3 Manse View, Motherwell, ML1 5TB (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order for eviction and recovery of possession be granted.

Background

This is an application under Section 50 of the Act for eviction and recovery of possession on the basis that the Respondent is in rent arrears over 3 consecutive months.

The Tribunal had regard to the following documents:

1. Application received 29 August 2018;
2. Tenancy Agreement dated 26 January 2018;
3. Notice to Leave;
4. Section 11 Notice;
5. Statement of Rent Arrear;
6. Certificate of Service by Sheriff Officers.

Case Management Discussion (CMD)

A.Strain

This case called for a CMD on 25 October 2018. The Applicant was represented by John Hempstead. The Respondent did not appear and was not represented.

The Tribunal considered the Certificate of Service by Sheriff Officers and was satisfied that the Respondent had notification of the CMD and that the Tribunal may grant a decision if satisfied that it had sufficient information and it was fair to do so.

The Tribunal considered the documentation and the representations of Mr Hempstead. The Tribunal was satisfied that at the time of raising the application there were rent arrears over 3 consecutive months and that at the date of the CMD there was at least one month's rent due. The Tribunal was satisfied there had been no delay in payment of any benefits.

The Tribunal considered the overriding objective and the interests of justice. The Tribunal was satisfied on the evidence that the order should be granted and that it was fair to do so.

The Tribunal granted the order.

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.

A.Strain

Legal Member/Chair

25 October 2018
Date