



**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/19/2994**

**Re: Property at 6 Jack Mews, Muirkirk, Cumnock, KA18 3EL (“the Property”)**

**Parties:**

**Mr Adeniyi Banwo, 1 Quarry Mews, Purfleet, Essex, RM19 1GR (“the Applicant”)**

**Ms Margaret Grainger, 6 Jack Mews, Muirkirk, Cumnock, KA18 3EL (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

1. By application received 24 September 2019 and 30 October 2019 (“the Application”) the Applicant made an application to the Tribunal for a possession order in terms of Section 51 of the Act and in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).
2. The Application comprised copy of a private residential tenancy agreement between the Parties, copy Notice to Leave in the correct legal format and copy Notice in terms of Section 56(1) of the Act to East Ayrshire Council being the relevant local authority, all with evidence of intimation.
3. On 15 October 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 29 November 2019 at 10.00 at Russell House, King Street, Ayr, KA8 0BQ. The CMD was intimated by both Parties.

**Case Management Discussion**

4. The CMD took place on 29 November 2019 at 10.00 at the said Russell House by telephone conference call. Both the Applicant and Respondent took part.

5. The Applicant confirmed the Order sought. The Respondent agreed that rent is due and owing and did not oppose the Application.

#### **Findings in Fact**

6. From the Application and the CMD, I found that a tenancy agreement existed between the Parties, that proper notice had been given by the Applicant to the Respondent, that grounds for possession had been established and that notice in terms of Section 56 of the Act had been properly intimated to the relevant local authority.

#### **Decision and Reasons for Decision**

7. Having found that the tenancy the correct procedure followed and there being no opposition by the Respondent, I had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for possession without further procedure.

#### **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.**

Karen Moore

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**Legal Member/Chair**

*29 November 2019*

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**Date**