



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 56(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/19/3978**

**Re: Property at Flat 0/1, 2 Turnberry Place, Rutherglen, Glasgow, G73 4QB (“the Property”)**

**Parties:**

**Ms Rachel Elizabeth Davies Sinclair, 79 Calderwood Road, Rutherglen, Glasgow, G73 3PL (“the Applicant”)**

**Ms Julie Morrison, Flat 0/1, 2 Turnberry Place, Rutherglen, Glasgow, G73 4QB (“the Respondent”)**

**Tribunal Members:**

**Jan Todd (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction should be granted.**

1. A Case Management Discussion (CMD) was held at 10am on 13<sup>th</sup> February 2020 at Room 108 20 York Street Glasgow. The Applicant was not present in person but was represented by Ms Nicola Caldwell for T C Young solicitors. The respondent did not attend, nor did anyone appear on their behalf. There had been no reason intimated in advance for their non-appearance nor any request made for a postponement of the CMD. The Tribunal noted that valid intimation of the CMD had been made to the Respondent having seen a certificate of execution of service on the Respondent by Sheriff Officers dated 13<sup>th</sup> January 2020.

Accordingly the Tribunal proceeded to hold the CMD in the absence of the Respondent.

**The Case Management Discussion**

2. There were no written representations received from the Respondents.
3. Ms Caldwell advised that the position remained as per the Application namely that the Respondents had entered into a lease of the Property from the Applicant which commenced on 12<sup>th</sup> January 2019. The Applicant is the owner of the Property and the Respondent was obliged in terms of the lease to pay £475 per month on 12<sup>th</sup> of each month commencing on 12<sup>th</sup> January 2019.
4. As at the date of the Notice to Leave the Respondent was in arrears to the value of £2,017.75, more than 3 months of arrears of rent.
5. At today's date Ms Caldwell advised the arrears are now £3,917.75.
6. Ms Caldwell confirmed a Notice to Leave was sent by e-mail to the Respondent on 7<sup>th</sup> November 2019 detailing the ground of eviction was ground 12 of the Act namely that there was over 3 months arrears of rent. Ms Caldwell confirmed that as far as the Applicant is aware the failure or delay in paying rent is not due to a delay or failure in any benefit and she was seeking an order for eviction today as Ground 12 is a mandatory ground and there is more than one month's rent due and outstanding.

### **Findings in Fact**

7. The parties entered into a lease of the Property which was dated and which commenced on 12<sup>th</sup> January 2019.
8. The Rent due is £475 per calendar month payable in advance
9. The rent outstanding at the date of service of the Notice to Leave was £2017.75.
10. The Rent outstanding at today's date is £3917.75
11. There are currently over 3 months' rent outstanding. The last payment of rent was made by the Respondent in July 2019 and no payments have been made since then.
12. The arrears of rent are not wholly or partly due to a delay or failure in payment of a relevant benefit.
13. A notice to leave was served on each Respondent on 7<sup>th</sup> November 2019 confirming that no proceedings would be raised before 8<sup>th</sup> December 2019
14. The requisite notice required by the Act has been given.

### **• Reasons for Decision**

15. The Tribunal was satisfied that the Respondent had been served with a valid Notice to Leave under S52 (3) of the 2016 Act specifying Ground 12 of Schedule 3 of the Act as the relevant ground of eviction.
16. The Tribunal accepted the verbal averments and written statement of rent arrears from the Applicant's representative that the Respondent has accrued rent arrears amounting to £3,917.75 to date. The last payment of rent was made in July 2019 and no further payment has been made towards the rent arrears then outstanding or the further months' rent due from August 2019 to date.
17. The Tribunal is satisfied the Respondent had due notice of this CMD and has made no representations. There being no response from the Respondent to

counter the Applicants submissions, and the Tribunal being satisfied in terms of S 51 (1) of the Act that one of the eviction grounds named in Schedule 3 of the Act, namely Ground 12 which is a mandatory ground if at least one month's rent is due at the date of the hearing, is met, determined that the order for eviction sought by the Applicant should be granted.

- **Decision**

**The order for eviction is 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.**

J Todd

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**Legal Member/Chair**

*13<sup>th</sup> February 2020*  
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**Date**