



**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 (the Act)**

Chamber Ref: FTS/HPC/EV/19/2842

Re: Property at 65 Montrose Road, Polmont, Falkirk, FK2 0YN (“the Property”)

Parties:

Mr James Brownie, Mrs Patricia Brownie, 1 The Glebe, Linlithgow, West Lothian, EH49 6SG; 1 The Glebe, Linlithgow, West Lothian, EH49 6SG (“the Applicants”)

Miss Kelly Taylor, 65 Montrose Road, Polmont, Falkirk, FK2 0YN (“the Respondent”)

Tribunal Members:

Richard Mill (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 and Recovery of Possession be granted.

The Hearing

The Applicants attended personally and presented their own case. The hearing had been intimated to the Respondent on 28 October 2019 by Sheriff Officer. No response had been received. The Respondent did not attend. She has now given her own notice to leave the property as at 17 December 2019.

Findings and Reasons

The parties entered into a private residential tenancy in respect of the property at 65 Montrose Road, Polmont, Falkirk, FK2 0YN. The tenancy commenced on 12 September 2018.

The Respondent fell into arrears with rental payments. She first defaulted in January 2019. By April rent arrears had continued. As at the current date she is a number of months in arrears and has been continually in arrears since January 2019.

The Applicants served a Notice to Leave in April following rent arrears existing for more than 3 months. The Applicants are entitled to recover the property and evict the Respondent under paragraph 12 of schedule 3 of the Act.

The tribunal relied upon the oral evidence of the Applicants and the documentary evidence including the rental statement. The Respondent has not challenged the application.

The date the Order is to become effective to reflect the appeal period is postponed more than the standard 28 days to Friday 3 January 2020 due to the upcoming festive period.

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.

R Mill

Legal Member/Chair

27 November 2019

Date