



**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 2016 Act) and regulation 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

**Chamber Ref: FTS/HPC/EV/19/1657**

**Re: Property at 14A Grougar Road, Crookedholm, Kilmarnock, Ayrshire, KA3 6LA (“the Property”)**

**Parties:**

**Mrs Myra Harrold, 12 Beaufield Gardens, Kilmaurs, Kilmarnock, Ayrshire, KA3 2NS (“the Applicant”)**

**Mr Gavin William Barrett, 14A Grougar Road, Crookedholm, Kilmarnock, Ayrshire, KA3 6LA (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**An eviction order against the Respondent be granted in respect of the Property.**

**This is an application for eviction of the Respondent from the Property. The application had been received by the Tribunal of 30<sup>th</sup> May 2019.**

**The Case Management Discussion**

**The Respondent was present and was accompanied by her husband. The purpose of a case management discussion was explained to the Respondent who said that she did not consider that a Hearing would be necessary.**

## **Documents before the Tribunal**

- a) The Application**
- b) Copy rent statement and bank statement**
- c) Certificate of service by Sheriff Officer.**

## **Findings in Fact**

- 1. The parties entered into a private residential tenancy in respect of the Property and this commenced on 10<sup>th</sup> December 2018.**
- 2. The monthly rent due in respect of the residential tenancy is £340**
- 3. The Respondent is in arrears of rent in excess of £1,020.**
- 4. The Respondent is in arrears of rent of £2,720.**

## **Reasons for the Decision**

**A rent statement and bank statement had been submitted with the Application. This showed that the Tenant is in arrears to the extent of £1,700. The Applicant stated that no further payments of rent had been made and the amount of arrears is now £2,720. She said that she was seeking recovery of the Property under Ground 12 of Schedule of the 2016 Act- that the Respondent has been arrears of rent for three or more consecutive months.**

**The Tribunal found the evidence of the Applicant to be credible and considered that there was no requirement for a Hearing.**

## **Decision**

**The Tribunal determined that an eviction order be granted against the Respondent in respect of the Property.**

## **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.**

**12<sup>th</sup> August 2019**

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**Martin J. McAllister  
Legal Member/Chair**